



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: March 1, 2006

Time: Closed Session 6:30 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

**C-1 Call to Order / Roll Call**

**C-2 Announcement of Closed Session**

- a) Actual litigation: Government Code §54956.9(a); one case; Pacific Bell Telephone Company, a California corporation doing business as AT&T California, v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV028523

**C-3 Adjourn to Closed Session**

***NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.***

**C-4 Return to Open Session / Disclosure of Action**

**A. Call to Order / Roll call**

**B. Invocation** – Reverend Michael Voytek, Providence Reformed Church

**C. Pledge of Allegiance**

**D. Presentations**

D-1 Awards – None

D-2 Proclamations – None

a) Arbor Day (PW)

b) Sunshine Week – *Recognizing the importance of preserving open government* (CLK)

D-3 Presentations

a) Presentation by the Lodi Area All Veterans Plaza Foundation of quarterly payment on loan from the City

b) Police Silver Star Awards (PD)

c) Update on Centennial activities (CLK)

**E. Consent Calendar (Reading; comments by the public; Council action)**

E-1 Receive Register of Claims in the amount of \$2,272,856.32 (FIN)

E-2 Approve minutes (CLK)

a) January 18, 2006 (Regular Meeting)

b) February 1, 2006 (Regular Meeting)

c) February 14, 2006 (Shirtsleeve Session)

E-3 Approve specifications and authorize advertisement for bids for 2006 Handicap Ramp Retrofit Project (PW)

- Res. E-4 Adopt resolution accepting improvements at south end of Ackerman Drive at intersection of Neuharth Drive and Stockton Street (PW)
- Res. E-5 Adopt resolution accepting improvements in Lalazar Estates, Tract No. 3435 (PW)
- Res. E-6 Adopt resolution approving 2006 groundwater monitoring services with Treadwell & Rollo, Inc., and appropriating funds (\$140,800) (PW)
- E-7 Receive background information on implementing Woodbridge Irrigation District Surface Water Program (PW)
- Res. E-8 Adopt resolution rescinding Resolution No. 2005-264 regarding SBC Encroachment Condition (CA)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Comments by the City Council Members on non-agenda items**

**H. Comments by the City Manager on non-agenda items**

**I. Public Hearings**

- Res. I-1 Public hearing to consider and approve community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years (CD)

**J. Communications**

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
- a) Post for vacancies on the Greater Lodi Area Youth Commission (Student Appointees) (CLK)
- b) Appoint Council Member to serve as representative and City Manager to serve as alternate to the League of California Cities Central Valley Division Executive Committee (CLK)
- J-3 Miscellaneous – None

**K. Regular Calendar**

- K-1 Approve revised 2005-06 budget document pages (CM)  
**NOTE: This item is carried over from the meeting of 2/15/06**
- K-2 Review analysis of financial challenges in providing local services (CM)
- Res. K-3 Adopt resolution establishing and adjusting rental fees for Parks and Recreation facilities (PR)  
**NOTE: This item is carried over from the meetings of 1/18/06 and 2/1/06**
- Res. K-4 Adopt resolution establishing and adjusting rental fees for Hutchins Street Square (COM)  
**NOTE: This item is carried over from the meeting of 1/18/06**
- Res. K-5 Adopt resolution approving Policy Statement for Code Enforcement Program (CD)

**L. Ordinances**

Ord. L-1 Ordinance No. 1770 entitled, "An Ordinance of the City Council of the City of Lodi Amending  
(Adopt) Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by Adding Chapter 12.03, 'Sidewalks'" (CLK)

**NOTE: This item is carried over from the meeting of 2/15/06**

Ord. L-2 Ordinance No. 1771 entitled, "An Uncodified Ordinance of the Lodi City Council Amending the  
(Adopt) Official District Map of the City of Lodi and Thereby Rezoning 349, 401, and 415 East Harney Lane (APN 062-290-38, 062-290-37, and 062-290-14) from R-MD, Residential Medium Density, to PD(38), Planned Development Number 38, for the Miller Ranch Development Project, and Further Approving the Associated Development Plan" (CLK)

Ord. L-3 Ordinance No. 1773 entitled, "An Ordinance of the City Council of the City of Lodi Amending  
(Adopt) Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, 'General Regulations and Exceptions,' by Repealing and Reenacting in its Entirety Section 17.57.180, 'Refuse Container Storage and Collection Areas'" (CLK)

Ord. L-4 Ordinance No. 1774 entitled, "An Ordinance of the City Council of the City of Lodi Amending  
(Adopt) Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, 'Solid Waste,' by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers" (CLK)

<p><b><u>NOTE:</u> Ordinance No. 1772 amending electric utility rates will be considered for adoption by the City Council at its April 5, 2006, meeting.</b></p>
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**M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Susan J. Blackston  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Arbor Day Proclamation

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That Mayor Hitchcock present a proclamation proclaiming Arbor Day in the City of Lodi.

**BACKGROUND INFORMATION:** This year, the departments of Public Works, Parks and Recreation, Electric Utilities, and Tree Lodi volunteers will band together to help the City of Lodi celebrate Arbor Day in its Centennial year.

Information provided by Arbor Day Foundation:

*It all began in Nebraska City, Nebraska, 134 years ago. A special day was set aside for planting trees. This tree planting idea caught on and now we celebrate Arbor Day every year.*

*All over the world, people are planting trees in their yards and in their communities, caring for them, and learning about their value. Here in the United States, we call this tree planting festival Arbor Day. In other lands, you may hear it called Arbor Week, Tree Holiday, or Tree Festival. In Japan, it is called Greening Week. In Israel, it is called the New Year's Day of the Trees. Korea actually has a Tree-Loving Week, and Iceland has a Student's Afforestation Day. (Notice the word "forest" hidden in that complicated word.) This means "to change open land into forest." People in India celebrate a National Festival of Tree Planting. Whatever people call this special time of year, they are sharing the news that trees are important to us all, wherever we live around the world.*

### **Arbor Day's Beginnings**

*On January 4, 1872, Julius Sterling Morton first proposed a tree-planting holiday, to be called "Arbor Day", at a meeting of the State Board of Agriculture. The date was set for April 10, 1872. Prizes were offered to counties and individuals for planting the largest number of trees properly on that day. It was estimated that more than one million trees were planted in Nebraska on the first Arbor Day.*

*Arbor Day was officially proclaimed by the young state's Governor Robert W. Furnas on March 12, 1874, and the day itself was observed April 10, 1874. In 1885, Arbor Day was named a legal holiday in Nebraska, and April 22nd, Morton's birthday, was selected as the date for its permanent observance.*

*During the 1870s, other states passed legislation to observe Arbor Day and the tradition began in schools nationwide in 1882.*

*Arbor Day has now spread beyond the United States and is observed in many countries of the world.*

APPROVED: \_\_\_\_\_  
Blair King, City Manager

*Trees are very important. The celebration of Arbor Day gives an opportunity to learn about trees and take positive action to make the world a better place. Here is a quick list of reasons trees are so important to us all:*

- *Trees provide shade to keep us and our homes cool on hot summer days.*
- *Trees give off vital oxygen through photosynthesis which you and I and animals need to breathe.*
- *Trees absorb harmful pollutants and small particles from the air that could damage our lungs.*
- *Trees provide protection from the wind.*
- *Trees reduce noise pollution.*
- *Trees give us products such as: chewing gum, crayons, soap, shatterproof glass, suntan lotion, cork, dyes, life-saving drugs, writing paper; syrup, perfume, pencils, firewood, building materials, and much, much more.*
- *Trees provide a home and food for wildlife.*
- *Rotting logs and leaves eventually turn into soil and put nutrients back into the soil for other plants to grow.*
- *Trees are beautiful to look at, nice to listen to as leaves rustle in the breeze, fun to explore, exciting to climb, and great to dream under.*

Lodi has been designated as a Tree City USA for a fourth consecutive year. We benefit from this designation by receiving preference over other communities for grant money for trees or forestry programs and through having a greater public image as a city that cares about its trees.

Staff would like to invite the Mayor, the City Council, the City Manager, and the community to this year's Arbor Day Celebration. This Centennial year event will be held on Saturday, April 1, 2006, 8:00 a.m. to 12:00 noon, at Salas Park. Tree Lodi and other volunteers will be assisting with tree planting at various parks throughout the city.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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Richard C. Prima, Jr.  
Public Works Director

Prepared by George M. Bradley, Street Superintendent  
RCP/GMB/RF/dsg

cc: D. Stephen Schwabauer, City Attorney  
Tony Goehring, Parks & Recreation Director  
Steve Dutra, Parks Superintendent  
Ray Fye, Tree Operations Supervisor



## **CITY OF LODI COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Sunshine Week

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That Mayor Hitchcock present a proclamation proclaiming the week of March 12 – 18, 2006, as “Sunshine Week” recognizing the importance of preserving open government in the City of Lodi.

**BACKGROUND INFORMATION:** The Mayor has been requested to present a proclamation proclaiming the week of March 12 – 18, 2006, as “Sunshine Week” in the City of Lodi. City Clerk Susan Blackston will accept the proclamation.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** None required.

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Susan J. Blackston  
City Clerk

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Presentation by the Lodi Area All Veterans Plaza Foundation of Quarterly Payment on Loan from the City

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** None required.

**BACKGROUND INFORMATION:** Sarah Heberle and Wayne Kildall, representing the Lodi Area All Veterans Plaza Foundation, will be at the meeting to present a check to Mayor Hitchcock, accepting on behalf of the City, for the quarterly payment on loan from the City.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Susan J. Blackston  
City Clerk

SJB/JLT

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Police Silver Star Awards

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Jerry J. Adams, Chief of Police

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**RECOMMENDED ACTION:** Chief Jerry Adams will present two Silver Star awards to Officer Sierra Brucia and Detective Mike Kermgard.

**BACKGROUND INFORMATION:** The Silver Star is the department's second highest award. It is awarded to individuals who demonstrate outstanding bravery above and beyond what is expected in the normal course of duty.

Officer Sierra Brucia and Detective Mike Kermgard are receiving the Silver Star award for their actions during an incident at the USA Gas Station on Cherokee Lane, November 8, 2005. Special Investigation Unit (SIU) Detectives attempted to arrest a wanted parolee who vowed to not be taken alive. The parolee rammed one of the SIU vehicles. Officer Brucia and Detective Kermgard ran up to the suspect vehicle, identified themselves as the police several times, and ordered him to surrender. The suspect refused to cooperate and reached for a black handgun tucked in his waistband. Officer Brucia saw the suspect reaching for the gun so, fearing for Detective Kermgard's safety, he leaned in through the open passenger door, pushed the suspect's girlfriend out of harm's way, and shot the suspect once in the abdomen. The gun fell to the floor but the suspect leaned over and picked it up again. Detective Kermgard saw the suspect was bringing the gun up to point it at him so he fired one round at him. Officer Brucia saw the suspect was attempting to point the gun at Detective Kermgard so he shot him one more time. The suspect dropped the gun and was taken into custody.

The suspect survived and is awaiting trial. The handgun turned out to be a replica of a black Beretta 9mm semi-automatic pistol.

The officers showed a tremendous amount of discipline by only firing three rounds in a highly volatile situation. All three rounds struck the suspect. In a split second, they took into consideration the incident was occurring in the lot of an open business at noontime at the same time they were only a few feet from a busy Cherokee Lane. They could have easily stood by near the entrance of the gas station but, in response to the suspect ramming the SIU vehicle, they felt it was imperative to move up to his vehicle to protect the other SIU detectives and the public and to keep the situation from escalating.

The Awards Committee is made up of five officers and four civilians. Individuals are nominated by their peers, supervisors, civilian employees, and the public. Sworn officers, civilian employees and volunteers are eligible for the awards. The awards committee conducts investigation into each nomination. These investigations may include interviews with the nominees, their co-workers, their supervisors, the public, and anyone else who might provide information regarding the nomination. The awards committee votes

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



Police Silver Star Awards  
March 1, 2006  
Page Two

by secret ballot and the results are forwarded to an executive committee (two individuals who are not associated with the committee) for final review.

Please note all other police awards are due to be presented at a departmental luncheon held earlier March 1, 2006, at LPD.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** N/A

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Jerry J. Adams  
Chief of Police

cc: City Attorney



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Update on Centennial Activities

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** None required.

**BACKGROUND INFORMATION:** City Clerk Blackston will give an update on the Centennial activities being planned for 2006.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Register of Claims Dated February 14, 2006 in the Amount of \$2,272,856.32

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Management Analyst

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**RECOMMENDED ACTION:** That the City Council receives the attached Register of Claims. The disclosure of the PCE/TCE expenditures is shown as a separate item on the Register of Claims.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$2,272,856.32 dated 2/14/2006 which includes PCE/TCE payments of \$2,514.56 and Payroll in the amount of \$1,090,250.48

**FISCAL IMPACT:** n/a

**FUNDING AVAILABLE:** As per attached report.

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Ruby R Paiste, Interim Finance Director

RRP/kb

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

Accounts Payable	Page	-	1
Council Report	Date	- 02/14/06	
As of	Fund	Name	Amount
Thursday			
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02/02/06	00100	General Fund	694,031.15
	00160	Electric Utility Fund	6,212.72
	00164	Public Benefits Fund	251.92
	00170	Waste Water Utility Fund	8,397.94
	00172	Waste Water Capital Reserve	7,880.00
	00180	Water Utility Fund	839.09
	00181	Water Utility-Capital Outlay	2,786.17
	00182	IMF Water Facilities	14,165.40-
	00210	Library Fund	6,694.00
	00234	Local Law Enforce Block Grant	481.65
	00235	LPD-Public Safety Prog AB 1913	2,370.41
	00270	Employee Benefits	16,446.32
	00310	Worker's Comp Insurance	28,834.40
	00325	Measure K Funds	19,035.36
	00327	IMF(Local) Streets Facilities	308,154.00
	00340	Comm Dev Special Rev Fund	6,233.99
	01241	LTF-Pedestrian/Bike	6,104.50
	01250	Dial-a-Ride/Transportation	33,423.90
	01410	Expendable Trust	26,561.68
			-----
Sum			1,160,573.80
			-----
Total for Week			
Sum			1,160,573.80

Accounts Payable	Page	-	1
Council Report	Date	-	02/14/06
As of	Fund	Name	Amount
Thursday			
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02/09/06	00100	General Fund	316,584.79
	00120	Vehicle Replacement Fund	942.66
	00160	Electric Utility Fund	26,945.80
	00161	Utility Outlay Reserve Fund	17,150.87
	00164	Public Benefits Fund	19,910.90
	00170	Waste Water Utility Fund	18,972.74
	00171	Waste Wtr Util-Capital Outlay	5,542.10-
	00172	Waste Water Capital Reserve	836.31
	00180	Water Utility Fund	3,463.02
	00181	Water Utility-Capital Outlay	128,928.46
	00190	Central Plume	16,714.17
	00194	South Central Western Plume	7,059.62
	00210	Library Fund	4,254.78
	00234	Local Law Enforce Block Grant	587.69
	00235	LPD-Public Safety Prog AB 1913	370.94
	00270	Employee Benefits	349,373.47
	00300	General Liabilities	33,843.10
	00310	Worker's Comp Insurance	5,540.42
	00325	Measure K Funds	275.63
	00340	Comm Dev Special Rev Fund	20,446.81
	01211	Capital Outlay/General Fund	444.73
	01250	Dial-a-Ride/Transportation	7,780.33
	01410	Expendable Trust	134,882.82
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Sum			1,109,767.96
	00183	Water PCE-TCE	2,514.56
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Sum			2,514.56
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Total for Week			
Sum			1,112,282.52

Date - 02/14/06

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	01/29/06	00100	General Fund	784,781.04
		00160	Electric Utility Fund	146,612.13
		00164	Public Benefits Fund	5,023.95
		00170	Waste Water Utility Fund	70,892.73
		00180	Water Utility Fund	8,934.24
		00210	Library Fund	31,061.17
		00235	LPD-Public Safety Prog AB 1913	296.88
		00340	Comm Dev Special Rev Fund	39,796.17
		01250	Dial-a-Ride/Transportation	2,852.17
Pay Period Total:				
Sum				1,090,250.48



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Minutes  
a) January 18, 2006 (Regular Meeting)  
b) February 1, 2006 (Regular Meeting)  
c) February 14, 2006 (Shirtsleeve Session)

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council approve the following minutes as prepared:  
a) January 18, 2006 (Regular Meeting)  
b) February 1, 2006 (Regular Meeting)  
c) February 14, 2006 (Shirtsleeve Session)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes, marked Exhibits A through C.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JANUARY 18, 2006**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of January 18, 2006, was called to order by Mayor Hitchcock at 5:33 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Actual litigation: Government Code §54956.9(a); one case; City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al., San Francisco Superior Court, Case No. CGC-05-441976
- d) Actual Litigation: Government Code §54956.9(a); one case; Citizens for Open Government v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV026002
- e) Actual Litigation: Government Code §54956.9(a); one case; Lodi First, a California non-profit unincorporated association v. City of Lodi Community, by and through the City Council et al., San Joaquin County Superior Court, Case No. CV025999

**C-3     ADJOURN TO CLOSED SESSION**

At 5:33 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:40 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:01 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a), (b), and (c), no reportable action was taken in closed session.

Item C-2 (d) was not discussed.

In regard to Item C-2 (e), Council voted unanimously not to appeal the decision of the San Joaquin County Superior Court regarding the adequacy of the California Environmental Quality Act (CEQA) document and, instead, will recirculate the CEQA document to resolve the issues that the court had delineated.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of January 18, 2006, was called to order by Mayor Hitchcock at 7:01 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston



B. INVOCATION

The invocation was given by Pastor Mark Price, St. Paul's Lutheran Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Following introductory comments by Deputy City Manager Krueger, Mayor Hitchcock presented a Certificate of Appreciation to Maxine Cadwallader, Revenue Manager, who was retiring after nearly 50 years of service to the City of Lodi.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Mounce, Beckman second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$6,314,616.60.

E-2 The minutes of November 16, 2005 (Regular Meeting), December 27, 2005 (Shirtsleeve Session), and January 3, 2006 (Shirtsleeve Session) were approved as written.

E-3 "Receive quarterly report of purchases between \$5,000 and \$20,000" was ***pulled from the agenda pursuant to staff's request.***

E-4 Received report of the sale of scrap metal in the amount of \$3,887.81.

E-5 Received report of the sale of surplus equipment in the amount of \$6,154.

E-6 Accepted the improvements under "Lighted Crosswalk/Flashing Beacon Project on Elm Street at Loma Drive and at Mills Avenue and on Mills Avenue at Various Locations" contract.

E-7 Adopted Resolution No. 2006-12 accepting the development improvements at Lakeshore Properties, Tract No. 3515.

E-8 Adopted Resolution No. 2006-13 approving the final map and improvement agreement for Winchester Woods, Tract No. 3564.

E-9 Adopted Resolution No. 2006-14 authorizing the City Manager to amend the 2005-06 Transportation Development Act claim, allocate an additional \$180,000, and increase the Local Transportation Fund Article 8 Capital funding to \$695,878 and the total claim to \$2,937,121.

E-10 Adopted Resolution No. 2006-15 authorizing the City Manager to negotiate and purchase three Type 2 Medium Bus (Dial-A-Ride) transit vehicles off of the State contract, authorizing conversion of the three vehicles to compressed natural gas, and appropriating funds in the amount of \$295,000.

E-11 Approved Parks and Recreation staff recommendations on projects to be funded under the 2000 Park Bond Act Per Capita Grant program and allocated \$524,999 for the projects.

- E-12 Authorized the City Manager to submit grant application(s) for PCE/TCE clean up.
- E-13 "Adopt resolution amending the existing Lodi Energy Efficient Home Improvement Rebate Program, removing windows as an eligible rebate element and adding wall insulation as an eligible rebate element" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-14 Adopted Resolution No. 2006-16 authorizing the City Manager to allocate a Public Benefits Program rebate to Myers & Eby Property Management for a demand-side management project in the amount of \$9,004.50.
- 

ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-13 "Adopt resolution amending the existing Lodi Energy Efficient Home Improvement Rebate Program, removing windows as an eligible rebate element and adding wall insulation as an eligible rebate element"

At the request of Mayor Pro Tempore Johnson, Electric Utility Customer Services and Programs Manager, Rob Lechner, reported that 13 cities participated in a measurement verification study, in which all rebate programs were assessed. It was determined that windows were not an effective energy efficiency tool. Energy savings derived from dual paned windows over the course of a year amounted to only 8 kilowatt hours. Staff's recommendation is to remove windows as an eligible rebate element and add wall insulation in its place. Mr. Lechner noted that the Utility is still offering rebates for window tinting and shade screens.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Johnson, Mounce second, unanimously adopted Resolution No. 2006-17 amending the existing Lodi Energy Efficient Home Improvement Rebate Program, removing windows as an eligible rebate element and adding wall insulation as an eligible rebate element.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported that he recently met with a representative of the San Joaquin County Transit District and learned that it has expanded the Hopper bus service by adding more stops, including Stockton, medical complexes, Delta College, and will take passengers to a bus stop where transfers can be made to other locations.
- Mayor Pro Tempore Johnson commented that it is a standard practice of the Lodi Unified School District Board of Trustees to place a list of all checks written by the District on a table for public inspection during its meetings. He suggested that the City institute a similar practice and asked that the matter be placed on a future agenda for discussion. He reported that at last night's Greenbelt Task Force meeting it was expected that the property owners were going to give a presentation on their proposal; however, they did not and were unable to specify when they would do so. He recalled that at the January 4 City Council meeting it was approved to proceed with a Request for Proposal (RFP) process to gather economic data for the Greenbelt Task Force. He asked that the matter be placed on the next agenda for reconsideration.
- In response to Mr. Johnson, Mayor Hitchcock stated that the Greenbelt Task Force will need the economic data regardless of the pending property owners' proposal. The information derived from the RFP will also be needed in order to include the greenbelt in the General Plan update.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King mentioned that he was familiar with the concept of a register of claims and had worked for municipalities that made the information available to the public.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Hansen, Beckman second, unanimously directed the City Clerk to post for the following expiring terms:

Lodi Improvement Committee

Bertha Castro	Term to expire March 1, 2006
Fran Forkas	Term to expire March 1, 2006
Eileen St. Yves	Term to expire March 1, 2006

J-3 Miscellaneous

- a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report through December 31, 2005.

K. REGULAR CALENDAR

K-1 “Adopt resolution approving the Market Cost Adjustment (MCA) level for customers receiving Medical Rider discounts, review and provide preliminary and non-binding policy direction regarding electric rate design/structure for future adjustments to base rates by transferring rates from MCA charges to Base Rate charges, and set public hearing for February 1, 2006, to review permanent rate structure”

Interim Electric Utility Director Dockham explained that the Medical Rider program entitles people dependent upon life support devices to an additional 500 kilowatt hours of electricity at the lowest first-tier electric rate under the City's current base structure. There are 354 accounts that receive the Medical Rider discount. Staff had informed Council at its January 4 meeting that the discount was 8% from the standard rate and cost \$44,000 annually. It was later determined that the discount was 34% at the average consumption level because these customers had not been charged the market cost adjustment (MCA) that was in place for all other customers. If the Medical Rider program is changed to a 25% discount, the annual cost would be \$110,000. Mr. Dockham reviewed “blue sheets” (filed) on this topic.

Council Member Mounce felt that customers who use machinery to sustain their lives do not have the option to conserve electricity and, therefore, should not be penalized for higher use. She reminded listeners about the Fixed Income program, for which a 5% discount is applied, noting that only 98 customers now receive it and stated that the program should be better advertised.

Mr. Dockham recommended that, as part of a recertification process in the future, audits be done to determine how much of the Medical Rider customers' consumption is actually allocable to life support devices as opposed to other lifestyle choices.

Council Members Beckman and Hansen expressed support for a 25% Medical Rider discount.

PUBLIC COMMENTS:

- Ann Cerney asked Council to keep in mind that the poorest segment of the population has received no cost of living increase in their income.

In answer to questions posed by Ms. Cerney, Mr. Dockham reported that customers receiving the combined Low Income and Medical Rider discounts receive a 35% discount off the standard rate. The Low Income discount is 30% and, if approved tonight, the Medical Rider discount will be 25%.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2006-18 approving the MCA level for customers receiving Medical Rider discounts, which would effectuate a 25% discount from the standard residential rate, and authorized the Finance Director to adjust any bills issued to customers receiving the Medical Rider discount to reflect this decision.

Mr. Dockham commented that, as part of the “true up” presentation at a later date, staff will bring forward an income threshold comparison that various cities use to qualify for discount programs. Mr. Dockham reported that Lodi has 600 customers receiving the All Electric Home discount of 10% in the summer and 20% in the winter. He explained that this program is a vestige from the past when large monopolies were operating the State’s electricity grid and had significant amounts of surplus capacity in place. That paradigm has reversed under today’s model. He recommended that the All Electric Home discount program be eliminated.

In reply to Mayor Pro Tempore Johnson, Mr. Dockham acknowledged that staff needs to work with mobile home park owners to better understand the current situation and tailor a program that is beneficial for both the City and mobile home owners.

“**STRAW VOTE**” MOTION #2 / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, took a “straw vote” to eliminate the All Electric Home rate. The “straw vote” carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – Mounce

Absent: Council Members – None

Mr. Dockham reported that in the commercial discount program there is a 30% discount offered to non-profit 501(c)(3) organizations. Currently, there are seven customers in the G-1 class and five in the G-2 class that are receiving this discount. He asked Council to take a “straw vote” on whether to retain, increase, reduce, or eliminate the program.

“**STRAW VOTE**” MOTION #3 / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, took a “straw vote” to retain the existing G1 and G2 Community Benefits Incentive Discount with approximately the same level of discount applied to each program. The “straw vote” carried by the following vote:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – Beckman

Absent: Council Members – None

MOTION #4 / VOTE:

The City Council, on motion of Mayor Hitchcock, Beckman second, unanimously set a public hearing for February 15, 2006, to establish a permanent rate structure.

- K-2 "Receive report on risk management policies and adopt resolution approving policy entitled, '*City of Lodi Energy Risk Management Policies*'"

City Manager King explained that the proposed risk management plan will guide policy decisions and principles used to purchase bulk power. The proposed City of Lodi Energy Risk Management Policies document includes a risk oversight committee comprised of the City Manager, Deputy City Manager, Electric Utility Director, and City Attorney. Previously, the decision to purchase power was made exclusively by the Electric Utility Department. Also included in the proposed document is a requirement that, whenever practical, decisions to buy power are brought before Council for approval. The risk management plan will be reviewed annually and the risk management committee will report quarterly to Council on the activities of the committee. The policy states that the City will not engage in speculation with regard to power purchases, i.e. that it will not buy more power than what the City's needs are in the hope that it could sell it later at a better price. Mr. King reported that it has been identified in the Calpine deal that the City appeared to buy power beyond its capacity to use. The policy also states that the City will not place at risk any more money than it can afford to lose.

Interim Electric Utility Director Dockham explained that individuals at the Northern California Power Agency (NCPA) have bounds on individual deals they can sign. The general manager of NCPA can do transactions on behalf of the power pool (of which Lodi is a member) up to \$40 million or at any level provided the member has authorization from its City Council. Mr. Dockham stated that that is the mechanism expected to be put in place in Lodi. Council would approve the City Manager and Electric Utility Director to make a purchase at a certain level and that would be communicated to NCPA for implementation. Over the next few months, the risk oversight committee will meet and review the policies and within six months will report back to Council on how it is working.

Mayor Hitchcock suggested that, because of its complexity, the *City of Lodi Energy Risk Management Policies* be reviewed in-depth at a Shirtsleeve Session.

Council Member Mounce and Mayor Pro Tempore Johnson felt that the newly hired Electric Utility Director should have an opportunity to review the document and provide input before Council votes on its approval.

In reply to Mayor Pro Tempore Johnson, Mr. Dockham explained that all of the other comparison cities have set themselves up to do transactions directly with marketers or other merchants in the power business. They can direct NCPA to enter into transactions on their behalf or they can enter into transactions directly. Lodi Electric Utility is not set up yet to enter into transactions directly on its own behalf. By default, all the transactions have to be done through NCPA.

MOTION:

Council Member Beckman made a motion, Hansen second, to adopt Resolution No. 2006-19 approving the policy entitled, "*City of Lodi Energy Risk Management Policies*."

PUBLIC COMMENTS:

- Ann Cerney asked what necessitated the Energy Risk Management Policies, as it was her understanding that only during the past six months did Electric Utility encounter difficulties and previous to that time, the Utility had a surplus. She pointed out that if the surplus had been retained, the Utility would have been able to weather rising costs without raising rates. She felt that any surplus should either be placed in reserve or returned to ratepayers.

Deputy City Manager Krueger reported that the Electric Utility has experienced financial difficulties for the past two years. Council approved a transfer from the rate stabilization fund of \$4.5 million in fiscal year 2004-05. If that had not taken place, there would have been a reduction in the cash balance. There was a declining working capital position over the past five years. There was a use of debt proceeds for projects that, in some cases, were "questionable" as related to a return on investments. In fiscal year 2005-06, there was a change in policy related to the "payment in lieu of taxes" to go from a percentage of revenues to a fixed dollar amount to be adjusted each year based upon the conditions that exist at the time.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Mounce, and Mayor Hitchcock

Noes: Council Members – Johnson

Absent: Council Members – None

- K-3 "Adopt resolution authorizing the City Manager and Electric Utility Director to procure energy requirements through fiscal year 2007 at an amount not to exceed \$39.8 million"

Interim Electric Utility Director Dockham reported that the Electric Utility has an open position in 2007 and needs to procure sufficient energy supplies to meet between 42% and 94% of its obligation to serve its customers. Reducing the open position will reduce Lodi's exposure to price risk. The energy risk management policy established the rules for procurement, but did not establish how electricity is purchased. He recommended that the City Manager and Electric Utility Director be allowed to procure the entire net short position. In July 2006, there are 11,000 megawatt hours that need to be procured. It is an average of 27 megawatts over all of the high-load hours. Initially, the recommendation would be that the procurement be 80% to 90% of what is needed for the third quarter and 65% to 75% in the fourth quarter. Mr. Dockham suggested that automatic triggers be put in place, e.g. if energy prices were to increase or decrease by 10% over the prices at which were transacted over the subsequent two weeks, that the Northern California Power Agency (NCPA) would be authorized to buy additional amounts. He also recommended that the City Manager and Electric Utility Director be allowed to replace energy in the event the Utility had a failure of any one of its own resources or a contract that defaulted. He stated that the risk oversight committee should meet and refine this "laddering" strategy because there will be a need to fill out the balance of 2007 and beyond. He recommended that Council approve the proposed resolution, which he noted, included a section stating: *"City Council hereby rescinds any previous procurement authorization granted to the City Manager and/or Electric Utility Director, including but not limited to Resolution 2001-246, and replaces those authorizations with the authority granted under this Resolution."*

Council Member Hansen mentioned that Mr. Dockham had informed him he had discussed this matter with the Electric Utility Director (*who will begin employment on January 23*) and he was in support of the resolution.

PUBLIC COMMENTS:

- Pat Patrick, President of the Chamber of Commerce, recalled that the last electricity purchase the City made was high priced and large in quantity. Assuming the price is lower now, it should be an advantage to the cost of service. He pointed out that the emphasis is on reduced exposure to price risk and asked whether this will be the motivation long term or would the Electric Utility be more speculative (in an effort to keep rates down) if it had larger reserves.

Mr. Dockham forecasted the current price of the needed electricity to be \$25 million. In answer to Mr. Patrick, he stated that Lodi's solution to addressing its long-term cost structure would be associated with long-term projects; however, this does not address

the immediate problem. As long as there is an open position, the Utility is subject to the whims of the market and that is what rating agencies consider. The Utility has \$3 million that it expects to finish the year with in savings. If the power budget increases over \$3 million, the Utility will have exhausted all of its savings and will need to increase rates. Mr. Dockham estimated that it would take three to five years to start building the Electric Utility's reserves.

- Ann Cerney suggested that Council determine now that if the cost of electricity actually turns out to be \$25 million, rather than \$39.8 million as requested, that the savings be placed in the Utility's reserve account or rates reduced accordingly.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2006-20 authorizing the City Manager and Electric Utility Director to procure energy requirements through fiscal year 2007 at an amount not to exceed \$39.8 million.

RECESS

At 9:33 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 9:45 p.m.

Mayor Hitchcock announced that Items K-5, K-7, K-8, and K-9 would be heard at the next regularly scheduled meeting.

K. REGULAR CALENDAR (Continued)

- K-4 "Consider resolution authorizing the City Manager to enter into: 1) a Blue Shield/Reynolds Ranch Annexation Application Reimbursement Agreement and 2) a contract with Willdan to provide engineering/planning support services for a General Plan Amendment, Pre-Zoning, Master Plan/Development Plan, Annexation, and Environmental Impact Report for an approximate 220-acre area up to a half mile south of Harney Lane between State Route 99 and the Union Pacific Railroad for a 20-acre Blue Shield office, an approximate 41-acre regional/community shopping center, and approximately 142 acres of residential uses at a variety of densities and types with a potential 10-acre school site, 29 acres of open space, and a 1-acre fire station"

Community Development Director Hatch explained that the item under consideration is for Council to authorize the City Manager to enter into two agreements that will allow the Blue Shield/Reynolds Ranch proposal to be evaluated. The reimbursement agreement assures that the applicant pays for the full cost of processing and evaluating the proposed project. Costs to be paid for by the applicant include Willdan's fees for engineering and planning support services, all City application fees, Local Agency Formation Commission (LAFCO) fees, City staff time, and the cost of required notices, postings, maps, etc. He emphasized that the matter for Council to consider tonight is whether or not to have the developer pay for the processing of the project, *not* for approval of the project. The subject area is one half mile south of Harney Lane between the Union Pacific Railroad on the west and Highway 99 on the east. The area is within Lodi's General Plan and is designated as Planned Residential Reserve. According to the General Plan, the area is "*well suited for residential development, but not expected to develop within the timeframe of the General Plan in 2007.*" Mr. Hatch stated that Council has the ability to consider the area prior to 2007, and from a planning point of view, the time would be appropriate now because it takes a considerable amount of time to analyze a project and review its impacts. The area is within the LAFCO approved sphere of influence for Lodi, which is a necessary precondition to any type of annexation or development. Steps that will need to be accomplished include a General Plan amendment, pre-zoning, Master Plan for the entire 220-acre area covering

general land uses and basic infrastructure planning for roads, sewer, water, drainage, utilities, etc., a Development Plan for the office, retail, and fire station portion of the proposal, annexation of the 220-acre site, and an Environmental Impact Report (EIR). Mr. Hatch reported that the non-residential portion of the project includes 20 acres for office space and 41 acres for a shopping center.

In response to Council Member Beckman, Mr. Hatch stated that the result of denying this request would be that the City would not hire a consultant to assist staff in providing additional expertise in the preparation of the Master Plan and environmental documents and, instead, this work would be done by City staff. Given staff's current workload, it would take considerably longer than the proposed schedule in the staff report. In addition, it would mean the cost to the citizenry of City staff to process the application would not be reimbursed, nor would the cost of outside experts to assist in preparation of environmental documents. He estimated the cost to the City would be \$100,000 to \$200,000. He noted that because the area is within the City's General Plan it must be accepted and processed. He confirmed that no approval of the project, tentative, final, or otherwise, would be included in Council's action tonight. The application process and EIR will provide Council with information to make a decision at a later time about whether the project is appropriate.

Mayor Hitchcock recalled that the area was put in the General Plan to determine how to place utilities, roads, etc. for future development, not for development prior to an updated General Plan.

In answer to questions posed by Council, Mr. Hatch reported that, in his judgment, there was no possibility that a dwelling could be occupied before 2007 in any area south of Harney Lane. He commented that the General Plan map shows no industrial reserve because it has all been annexed. He confirmed that if the proposed General Plan amendment was approved it could be changed later if the subsequent General Plan update recommended something different.

City Manager King added that changes can be made up to the time the developer obtains vested rights. A General Plan can be amended up to four times a year.

PUBLIC COMMENTS:

- Dale Gillespie of San Joaquin Valley Land Company stated that the document has a total life of 45 days. Within 30 days, Blue Shield must notify the City and the developer whether or not it intends to move forward on the project.
- At the request of Mayor Hitchcock, Blue Shield Director of Real Estate, Gig Codiga, reported that there are currently 500 employees at the Lodi facility. If the project proceeded, it is expected that the number of employees would increase to 800 in the first year Blue Shield occupied the new facility, and by 2010, it is projected that there could be 1,100 employees. If the proposed facility was expanded by 40,000 square feet, the number of employees could grow to 1,500. Mr. Codiga believed that approximately 40% of the current Blue Shield employees lived in the Lodi area. He reported that no other options exist in Lodi to relocate the Blue Shield facility. A site on Arch Road in Stockton is also being considered.

In reply to Mayor Pro Tempore Johnson, City Attorney Schwabauer explained that the only obligation that Blue Shield has under the agreement is to notify the City of its decision within 30 days. The developer would be free to reconfigure a project without Blue Shield and submit a new application for development.

City Manager King noted that Blue Shield was the driving factor in the proposal. If Blue Shield chooses not to select Lodi, then it is staff's assumption that this application would be withdrawn. Staff estimates the total cost of processing this application through completion (with no guarantee of project approval) is nearly \$500,000.



- Michael Locke President of the San Joaquin Partnership encouraged Council to favorably consider staff's recommendation to proceed with the process. The Partnership believes that Blue Shield is an important corporate client to keep within San Joaquin County.

In response to questions posed by Council Member Hansen, Mr. Locke explained that there is a direct impact by expenditures to vendors who supply services to the business and an induced impact by employees spending disposable income in a community.

- Jose Alva, attorney representing San Joaquin Valley Land Company, reviewed the purpose and processes involved in city general plans. He stated that the proposal will give Council an opportunity, without cost, to make an educated decision as to whether or not it wants to proceed with the project. He pointed out that the two biggest risk takers are the applicant and Blue Shield.
- Ann Cerney felt the proposal was premature and she was opposed to the project, as it was contrary to the concept of having open space between Stockton and Lodi. She saw jobs as the "hook" to this project and encouraged Council to take more time to consider it.
- Linda Huffman stated that it is inevitable that Lodi will grow and she asked Council to approve this request as an investment in the City's future. She did not believe the project would interfere with the greenbelt concept. Ms. Huffman stated that she has been employed at Blue Shield for 22 years.
- Dennis Silver stated that the majority of Lodi citizens want a significant greenbelt. He felt that the General Plan should be updated before proceeding with a large development south of Harney Lane. He suggested that the industrial area would be more appropriate. He asked what the price of the land was to Blue Shield that the developer arranged in order to get the housing portion of the plan in the project.

City Manager King reviewed the various sites in Lodi that were previously considered by Blue Shield; however, none were deemed feasible. In answer to Mr. Silver's question, Mr. King stated that the developer is offering Blue Shield a price below market rate for the land. He acknowledged that there is more profit in housing than the sale to Blue Shield.

Council Member Hansen noted that Council has already authorized development of infrastructure south of Harney Lane, such as a sewer lift station. He read statements from the General Plan that showed the proposed project was consistent with it. He did not believe this project would negate the greenbelt.

Council Member Beckman stated that private property owners should be able to do whatever they want with their land unless government can prove that they are going to harm someone by the use. It is not government's role to dictate to Blue Shield where to buy property. He reiterated that the City has an obligation to process the application and if the reimbursement agreement is not approved, the City must bear the cost of \$100,000 or more. He believed to allow that to happen would be gross negligence by the Council.

Mayor Pro Tempore Johnson supported the proposal and the possible opportunity to increase the number of jobs in Lodi.

Council Member Mounce did not believe the project was consistent with the current General Plan and preferred that it be updated before any steps are taken in this process. Ms. Mounce reported that she received calls from property owners in the area who were opposed to the project. Ms. Mounce explained that she would vote against the proposal because she did not have enough information from Blue Shield to make a decision and because Blue Shield will not commit to Lodi at this time.

Mayor Hitchcock stated that there are many portions of the General Plan which would indicate this project is not consistent with it. She mentioned that, legally, if even one inconsistency is found a court case could be made against it. She pointed out that the City is nearly ready to update its General Plan and create a vision for the community for the next 20 to 30 years, yet this project is baping out ahead of that process. She was adamantly opposed to the idea of having a huge office structure and parking lot next to a greenbelt area. In response to Mr. Beckman's comments, Ms. Hitchcock stated that the law gives cities the right to plan and determine what the best use of land is for different uses. She pointed out that 1,500 homes are planned to the west and this project brings in 1,500 more. Ms. Hitchcock stated that she would vote against the matter because she did not hear any compelling advantages to Lodi from the applicant about this project.

Mr. King reported that the agreement requires the developer to deposit \$60,000 with the City. The City will then review the application and release the Notice of Preparation. It is staff's intention to conduct an EIR. Willdan would begin engineering and site work. If within 30 days Blue Shield commits to the Lodi site, then the process would continue. The agreement calls for an "evergreen" amount of \$20,000 to be retained by the City. Beyond the processing of the application, there is no further commitment by the City Council. At a future date, Council will have an opportunity at a quasi-judicial hearing to consider the merits of the project.

MOTION:

Mayor Pro Tempore Johnson made a motion, Beckman second, to adopt Resolution No. 2006-21 authorizing the City Manager to enter into: 1) a Blue Shield/Reynolds Ranch Annexation Application Reimbursement Agreement and 2) a contract with Willdan to provide engineering/planning support services for a General Plan Amendment, Pre-Zoning, Master Plan/Development Plan, Annexation, and Environmental Impact Report for an approximate 220-acre area up to a half mile south of Harney Lane between State Route 99 and the Union Pacific Railroad for a 20-acre Blue Shield office, an approximate 41-acre regional/community shopping center, and approximately 142 acres of residential uses at a variety of densities and types with a potential 10-acre school site, 29 acres of open space, and a 1-acre fire station.

DISCUSSION:

Council Member Hansen emphasized the importance of jobs to citizens and the community.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, and Johnson

Noes: Council Members – Mounce and Mayor Hitchcock

Absent: Council Members – None

RECESS

At 11:58 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 12:05 a.m.

K. REGULAR CALENDAR (Continued)

K-5 "Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, by adding Chapter 12.03, "Sidewalks," to place liability on the adjoining property owner as permitted under state law" was **pulled from the agenda**.

- K-6 "Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, by adding Article VI, "Waterfowl and Migratory Birds," to prohibit the feeding of any waterfowl or migratory birds in any public park or on any public lake"

Deputy City Attorney Magdich reported that the number of Canada geese at Lodi Lake range from 130 to 150 and this has contributed to high levels of fecal chloroform bacteria in the water. The result has been closure of the Lake on numerous occasions. Parks and Recreation staff has contacted the United States Fish and Wildlife Service Non-Migratory Bird Division. She stated that the simplest way to solve this problem is to prohibit feeding of the birds. She noted that feeding bread to the birds results in malnutrition, causes disruption in migratory patterns, and leads to bird diseases. Violation of the proposed ordinance would be an infraction. The fine for the first offense would not exceed \$100, the fine for a second offense within a 12-month period would not exceed \$200, and a third violation within one year could be up to \$500. She noted that these would be court imposed fines.

PUBLIC COMMENTS:

- Jay Bell stated that regular feeding by the public brings an ever increasing number of birds. Without supplemental feeding, the Lake would only support a certain number of birds. The large number of geese and ducks are making some areas unusable. Solutions to decrease the population of birds include the use of dogs to scare them away on a regular basis and prohibiting people from feeding them. He supported the proposed ordinance and suggested that warnings be given to people before citations are issued. He also suggested that people not be allowed to enter the park with ducks and geese they intend to drop off.
- Yvonne Bedsworth stated that she has lived in Lodi for four years and visits Lodi Lake nearly every day. She raised ducks and geese in Michigan for 20 years. Ms. Bedsworth explained that Canadian Honkers do not eat bread and are afraid of humans. She stated that these geese are at the Lake now because it is empty and they are eating barley from the Lake bottom. Many of the ducks and geese at the Lake are domesticated birds that have been abandoned by people and cannot fly away to find food elsewhere. She pointed out that the City itself brought barley and corn to the Lake for many years to feed the birds. She felt it was inhumane to prohibit feeding of the ducks and geese, as they would get sick and die, particularly during the winter months when there is little other vegetation. She reported that she found a goose last week that had been killed by someone who sliced it four times down the chest. Ms. Bedsworth has witnessed drug use by youths in the park.

Parks and Recreation Director Goehring acknowledged that the City had been feeding the geese and ducks for many years; however, the practice was discontinued approximately five years ago. Staff's attempts to solve the overpopulation of the birds and keep them out of the beach area have been unsuccessful.

Mayor Hitchcock suggested that the groundskeeper have a border collie at the Lake to scare the birds away.

Steve Dutra, Parks Superintendent, reported that he received a number of communications from people who are opposed to the ordinance. He confirmed that the use of trained border collies has been successful in other communities with this problem.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously introduced Ordinance 1769 amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places, by adding Article VI, "Waterfowl and Migratory Birds," to prohibit the feeding of any waterfowl or migratory birds in any public park or on any public lake, and further directed staff to provide a report to Council in six months regarding its impact.

- K-7 "Adopt resolution establishing and adjusting rental fees for Parks and Recreation facilities" was ***pulled from the agenda.***
- K-8 "Adopt resolution establishing and adjusting rental fees for Hutchins Street Square" was ***pulled from the agenda.***
- K-9 "Adopt resolution approving amendment to San Joaquin Council of Governments Joint Powers Agreement to add two additional voting members to the Board, one each from the San Joaquin County Board of Supervisors and the City of Stockton" was ***pulled from the agenda.***
- K-10 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$94,880.75) and approve Special Allocation covering general litigation matter expenses (\$2,324.93)"

City Attorney Schwabauer reviewed invoices as outlined in the staff report for this item (filed).

**MOTION / VOTE:**

The City Council, on motion of Council Member Mounce, Beckman second, unanimously approved expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$94,880.75 and approved Special Allocation covering general litigation matter expenses in the amount of \$2,324.93, as detailed below:

**Folger Levin & Kahn - Invoices Distribution**

Matter No.	Invoice No.	Date	Description	Total
<u>Amount</u>				
8001	92141	11/30/05	General Advice/Environmental Matters	\$ 781.81
8002	92193	11/30/05	People v M&P Investments	12,541.80
				(407.50)
8003	92192	11/30/05	Hartford Insurance Coverage Litigation	23,602.37
				(440.00)
8005	92194	11/30/05	Unigard Insurance	1,266.50
8008	92190	11/30/05	Envision Law Group	<u>51,655.84</u>
				<u>\$89,000.82</u>

**Folger Levin & Kahn - Invoices Distribution**

Matter No.	Invoice No.	Date	Description	Total
<u>Amount</u>				
		11/30/05	Peter Krasnoff, Expert Witness	<u>\$ 3,555.00</u>
				<u>\$ 3,555.00</u>

**Kronick Moskowitz Tiedemann & Girard - Invoices Distribution**

Matter No.	Invoice No.	Date	Description	Total Amount	<u>Distribution</u>
11233.026	223120	12/25/05	Lodi First v. City of Lodi	\$ 861.93	\$ 861.93
11233.027	223120	12/25/05	Citizens for Open Govt. v COL	<u>1,463.00</u>	<u>1,463.00</u>
				<u>\$ 2,324.93</u>	<u>\$ 2,324.93</u>

**L. ORDINANCES**

None.

*Continued January 18, 2006*

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:48 a.m., Thursday, January 19, 2006 in memory of Naomi Carey who passed away on January 9 and Walter Rice who passed away on January 13.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 1, 2006**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of February 1, 2006, was called to order by Mayor Pro Tempore Johnson at 5:35 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock (arrived at 5:40 p.m.)

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Prospective lease of 215 West Elm Street, Lodi; the negotiating parties are the City of Lodi and County of San Joaquin relating to Court L-1 and L-3; price and terms are under negotiation; Government Code §54956.8
- b) Actual litigation: Government Code §54956.9(a); one case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658
- c) Actual litigation: Government Code §54956.9(a); one case; *Peter Rose et al. v. the City of Lodi, et al.*; United States District Court, Eastern District of California, Case No. CIV.S-05-02229

**C-3     ADJOURN TO CLOSED SESSION**

At 5:35 p.m., Mayor Pro Tempore Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:43 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:00 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions:

In regard to Item C-2 (a), Council gave conceptual approval to begin negotiating a lease with the County to place a new San Joaquin County courtroom chamber in the Lodi Police building at 215 West Elm Street. The lease would be \$1.35 per square foot for five years and adjusted to market in the fifth year.

In regard to Items C-2 (b) and (c), no reportable action was taken in closed session.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of February 1, 2006, was called to order by Mayor Hitchcock at 7:00 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

**B.     INVOCATION**

The invocation was given by Pastor Bill Sherrill, Lodi Police Chaplains.

**C.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

D-3 (a) Mayor Hitchcock presented a Certificate of Recognition to Ken Sasaki for his 2005 Parks and Recreation Commission Chairmanship. Mr. Sasaki was unable to attend the meeting, and accepting on his behalf was his wife, Kathy.

D-3 (b) Mayor Hitchcock presented a Certificate of Recognition to Tea Silvestre, Community Center Director, for her service to the City of Lodi community. In addition, Pat Stockar, representing the Lodi Arts Commission, presented a plaque to Ms. Silvestre in appreciation for her work with the Commission.

D-3 (c) Following introductory comments by Art Raab, coordinator of the Lodi Breakthrough Project, Mayor Hitchcock presented Certificates of Recognition to the following winners in the Lodi Breakthrough Project's essay contest, "Building Harmony in My School":

7<sup>th</sup> Grade Winners

1<sup>st</sup> Place Emily Highsmith

2<sup>nd</sup> Place Joey Melo

3<sup>rd</sup> Place Ajay Paul

8<sup>th</sup> Grade Winners

1<sup>st</sup> Place Macy Boschee

2<sup>nd</sup> Place Rebecca Gilbert

3<sup>rd</sup> Place Linh Doan

D-3 (d) City Clerk Blackston announced upcoming Centennial activities being planned throughout the year.

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Beckman, Hansen second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$3,878,440.04.

E-2 The minutes of December 21, 2005 (Regular Meeting) and January 17, 2006 (Shirtsleeve Session) were approved as written.

E-3 Received the quarterly report of purchases between \$5,000 and \$20,000.

E-4 Accepted the Quarterly Investment Account report as required by law SB 564.

E-5 Accepted the improvements under "Pine Street Overlay Project – Ham Lane to Church Street" contract.

E-6 Received for informational purposes Contract Change Order – Kettleman Lane Gap Closure Project, Lower Sacramento Road to Ham Lane and Stockton Street to Cherokee Lane.

E-7 Adopted Resolution No. 2006-22 approving Technical Services Task Order Agreement with RMC, Water Consultants, for preparation of a State grant application for a Recycled Water Master Plan and appropriating funds in the amount of \$10,000.

E-8 "Authorize the City Manager to enter into a contract with Moore Iacofano Goltsman, Inc. in the amount of \$80,450 for contract services related to the preparation of the Eastside Mobility and Accessibility Plan" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

- E-9 Adopted Resolution No. 2006-23 authorizing the destruction of certain records retained by the Lodi Police Department.
- E-10 Set public hearing for February 15, 2006, to consider the Planning Commission's recommendation regarding the request to award 65 medium density growth management allocation units; a zone change from Residential Multiple-Family to Planned Development and the associated development plan; and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for 65 single-family dwelling units on the north side of Harney Lane between Panzani Way and Melby Drive (File numbers: ND-05-01, GM-05-03, Z-05-04; Jeffrey Kirst on behalf of Tokay Development, applicant).
- E-11 Set public hearing for February 15, 2006, to consider resolution approving new rates for solid waste collection.

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ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- E-8 "Authorize the City Manager to enter into a contract with Moore Iacofano Goltsman, Inc. in the amount of \$80,450 for contract services related to the preparation of the Eastside Mobility and Accessibility Plan"

Peter Pirnejad, Planning Manager, reported that Moore Iacofano Goltsman was selected through a competitive bid process as the consultant for the Eastside Mobility and Accessibility Plan. In 2004, the City was approved for a grant of \$80,000 from the Department of Transportation. It included an in-kind match of \$14,000. The purpose of the Plan is to provide safe access for pedestrians, motorists, and bicyclists to make their way to the multi-modal station from eastside locations. The planning guideline document must be completed by May 2. The steering committee for this project will include representatives from the Lodi Improvement Committee, Hispanic Chamber of Commerce, Lodi Unified School District, faith based organizations located on the eastside, business owners, and City staff.

In reply to Mayor Hitchcock, Community Development Director Hatch confirmed that the Eastside Mobility and Accessibility Plan will be acknowledged in the updated General Plan document as an ongoing program and design guideline.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously authorized the City Manager to enter into a contract with Moore Iacofano Goltsman, Inc. in the amount of \$80,450 for contract services related to the preparation of the Eastside Mobility and Accessibility Plan.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Chuck Easterling, President of the Downtown Lodi Business Partnership, asked that the following events be included on the Centennial events calendar: Farmers Market, April 29 car show to benefit Lodi Adopt-A-Child, Kiddies Parade, Safe Halloween, Dance Under the Stars (July 22), and Winterfest.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported that the San Joaquin Council of Governments (SJCOG) is considering changes to the renewal program funding priorities and requested that this matter be scheduled for Council's consideration at its next regularly scheduled meeting. He stated that the SJCOG Board voted to allocate \$285,000 on a direct mail budget to send information to 188,000 registered voters in San Joaquin County regarding the Measure K renewal measure on



the November election ballot. Mr. Hansen expressed his opinion that an underpass on Lodi Avenue should be seriously considered. The San Joaquin Family Partnership, Cowell Foundation, and others will be meeting on February 15 to discuss possible funding to benefit the community's low-income and disadvantaged population, youth, schools, and to help build a new resource center adjacent to the Boys and Girls Club. Mr. Hansen reported that he received a phone call regarding the LOEL Foundation's difficulty with the City in receiving Community Development Block Grant (CDBG) funding that it was previously awarded and asked the City Manager to look into it.

- Mayor Hitchcock announced that a group of volunteers have formed the "Disaster Recovery Coalition" to help Louisiana hurricane victims. Funds in the amount of \$8,000 are needed for fuel, delivery, and storage of furniture. The cities of Lodi and Galt will challenge each other to see who can raise the most money. A kick-off event will be held on February 10 at the Wine and Visitors Center.

#### H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King reported that the LOEL Foundation CDBG matter would be addressed at the February 15 City Council meeting. He introduced newly hired Electric Utility Director, George Morrow, and reviewed his background.

#### I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider resolution adopting the San Joaquin County Regional Transportation Impact Fee and authorizing the City Manager to execute Fee Program Operating Agreement.

NOTE: Due to a potential conflict of interest related to his employment with the Building Industry Association of the Delta, Council Member Beckman abstained from discussion and voting on this matter and vacated his seat at dais.

Public Works Director Prima explained that the Measure K ordinance passed by the voters in 1990 required cities to have fees on new development for transportation improvements and a goal for a regional fee program. A technical report was presented to Council previously that established the linkage between the fee and new development. The operating agreement, which is now before Council for approval, describes how the City would collect the fees and work with the San Joaquin Council of Governments (SJCOG) on distribution of the fees. Previously, Council adopted Ordinance 1767 that established the Regional Transportation Impact Fee Program. The final step in the process is adoption of a resolution that sets the fees. The fees will be indexed to the Engineering News-Record Construction Cost Index and adjusted each July. Fees can only be used on the projects identified in the technical report. Ten percent of the funds are transferred to the County for projects in the unincorporated area, 10% is transferred to SJCOG for State highway projects, and 5% goes to SJCOG for transit improvements. Lodi would retain 75% of the funds to apply to its selected regional projects. Up to 2% of the first \$1 million can be retained by the City for administrative costs and 1% of the amount over \$1 million. The agreement provides for no interfund borrowing. There is a requirement for semi-annual and annual reporting.

City Manager King mentioned that if a city thought it was in its best interest to allow SJCOG to administer a project on its behalf, it would be allowable.

In reply to Mayor Pro Tempore Johnson, Andrew Chesley, Executive Director of SJCOG, confirmed that money could be borrowed in advance of receiving it to do a project.

Hearing Opened to the Public

- Ron Addington, President of the Business Council, and Phil Pennino asked for Council's support of this item.
- Jeffrey Kirst, Director of the Building Industry Association, stated that the BIA is supportive of this matter and asked Council for its favorable consideration.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, adopted Resolution No. 2006-24 adopting the San Joaquin County Regional Transportation Impact Fee and authorizing the City Manager to execute the Fee Program Operating Agreement. The motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Hitchcock  
Noes: Council Members – None  
Absent: Council Members – None  
Abstain: Council Members – Beckman

NOTE: Council Member Beckman returned to his seat at the dais at 8:17 p.m.

J. COMMUNICATIONS

- J-1 On recommendation of the City's contract administrator and Human Resources staff, the City Council, on motion of Council Member Hansen, Beckman second, unanimously rejected the following claim:
- a) Curtis and Rhonda Gokey, date of loss 12/31/05
- J-2 The following postings/appointments were made:
- a) The City Council, on motion of Council Member Beckman, Mounce second, unanimously directed the City Clerk to post for the following vacancy:
- Lodi Arts Commission  
Donald Rosebaugh Term to expire July 1, 2006
- b) The City Council, on motion of Council Member Mounce, Beckman second, unanimously made the following appointment:
- Greater Lodi Area Youth Commission  
*Student Appointee:*  
Larissa Boyer Term to expire May 31, 2007
- c) The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, unanimously made the following appointments for unspecified terms:
- Grape Bowl Ad Hoc Committee  
Don Bricker Bill Meehleis  
Richard Dean Russ Munson  
Ed DeBenedetti Terry Piazza  
Dean Devine Kevin Suess  
Jack Fiori
- J-3 Miscellaneous – None

K. REGULAR CALENDAR

- K-1 "Review of the City's Annual Financial Report (Fiscal Year 2004-05) by Macias, Gini & Company"

Deputy City Manager Krueger reviewed "blue sheets" (filed) representing an overview of the City's financial condition. He reported it was anticipated the City would have \$1,565,000 in unreserved monies available and the actual amount at year end was \$1,506,926. He stated that the City did not end the year with a positive cash balance in the General Fund; however, it had other assets available to render a positive fund balance in total. In order to be in good financial condition, the General Fund should have a balance of \$6.2 million (15% of expenditures), unreserved, unrestricted funds, available for ongoing activities.

In the Electric Fund, it was anticipated to have just over \$6 million, which included \$3.7 million as unreserved and \$2.4 million reserved for specific purposes. Actual figures were \$4,896,000 in cash and \$2,572,000 in other assets. Principally, the other assets involved a receivable related to spending some of the bond proceeds that had not been reimbursed from the City's fiscal agent as of June 30 and \$1.9 million that was available from the general operating reserve with the Northern California Power Agency. The total fund balance was \$7,469,000. A forecast of what the financial condition should be over the next several years was given to both of the City's rating agencies. In the forecast, it was shown that as a result of the rate increase recently approved by Council, in conjunction with other factors, there is projected to be a cash balance of \$18 million available within the next six to seven years. That equates to approximately half of what the depreciable assets are, i.e. assets that are used to transmit power throughout the City.

In the Wastewater Fund, it was anticipated to have \$2.8 million and the actual year end figure was \$2,273,000. In the Water Fund, it was anticipated to have \$1.4 million and the actual year end balance was \$4.3 million. A rate increase was implemented earlier in the fiscal year, which was needed for the remediation of PCE/TCE. Water and Wastewater have an infrastructure replacement charge. As progress is made in the groundwater contamination cleanup, funds that were collected previously for infrastructure replacement will be made available to use toward that purpose.

In the Library Fund, it was anticipated to have \$757,000 and the actual figure at the beginning of this fiscal year was \$697,000. In the Capital Outlay Fund, it was anticipated to have \$4.7 million and actual year end figure was \$6.5 million. Money set aside for the replacement of vehicles and computer equipment was \$152,000 and the actual need is estimated at \$1.5 million annually.

Council Member Hansen asked if the Electric Utility Rate Stabilization Fund amount was included in the \$18 million projection, to which Mr. Krueger reported it was not.

In reference to the Self Insurance Fund (Workers Compensation and liability coverage), Mr. Krueger stated that a charge is made to individual departments as part of their operating costs. It was anticipated to have \$2.9 million and the actual figure at the beginning of this fiscal year was \$3,261,000.

In the Street Fund, it was anticipated to have \$3.7 million and the actual year end figure was \$4.9 million. The Transit Fund ended the year with \$230,000 and the Transportation Development Act Fund had \$108,000.

Total Funds were anticipated to be \$25.7 million and the actual fund balance was \$33.3 million. The cash balance was stated at \$23.4 million, which did not include amounts held by the City on a custodial basis of \$1.1 million. In total, with assets netted against obligations, the amount is \$8.8 million. Referencing the Comprehensive Annual Financial

Report (CAFR) management analysis on page 3, Mr. Krueger reported that net assets are \$26.6 million more at the end of 2004-05 than they were in fiscal year 2003-04. He explained that this was the result of settlement with Lehman Brothers that reduced the City's liability which had been outstanding in the previous year.

Council Member Hansen pointed out that the report states, *"the City is implementing a phased deficit reduction plan recommended by an actuary to gradually eliminate the deficit in the Internal Service Fund"* and he asked when this would be completed.

Mr. Krueger replied that the deficit in the previous fiscal year of \$3.5 million has been decreased to \$1.8 million. He estimated that it would be three or four years before the deficit is eliminated.

In answer to Council Member Mounce, Mr. Krueger reported that, due to increases in interest rates, he did not expect property taxes to continue to increase as it has during the past three years, though he did anticipate a continued growth in sales taxes.

Council Member Mounce asked what attributed to the increase in Capital Outlay over the estimate, to which Mr. Krueger replied he would research the matter and provide the information at a later time. Ms. Mounce noted that the report indicates that the fixed asset model of the City's financial software program was not being utilized, to which Mr. Krueger estimated that staff would have a recommendation as to how to fund an integrated financial system package within the next 12 months.

Scott Bruener, representing Macias, Gini & Company, reported that his firm rendered an unqualified opinion in its audit of the City's financial records. He stated that at the end of the year the City had \$188 million in net assets. The single audit report pertains to federal dollars that are reported in the intergovernmental revenue line item on the City's financial statements. The City expended \$2.2 million in Federal funds during fiscal year end 2005. A risk assessment was performed on the six programs that the City participated in. Compliance tests and procedures were performed on the Community Development Block Grant and Federal Transit programs. Mr. Bruener stated that the findings, reported on pages 127 through 131, should be addressed during this fiscal year. The Management Report (filed) identifies areas that could be improved, and Mr. Bruener suggested that they be considered for implementation when funding and staffing become available. He mentioned that, in the future, it may be required for the City to account for environmental remediation liability. Mr. Bruener stated that, of all the recommendations, the most important is the City's computer room, which currently has a sprinkler system in place that would damage vital equipment should it be activated.

Greg Matayoshi of Macias, Gini & Company suggested that, if funds are not available to install a dry fire suppression system, a mitigating control that could be put in place would be a business continuity and disaster preparedness plan. He cautioned that as computers become more important for the daily operation of the City, it is incumbent upon the City to protect its information technology assets.

Steve Mann, Information Systems Division Manager, reported that the City's computer equipment has always been unprotected. There are back up tapes; however, if the sprinkler system were activated there would be no equipment to run the tapes on until it was replaced.

Mr. Bruener mentioned that many of the recommendations in the Management Report were given verbally to staff a couple of years ago. Because there had been no progress, the recommendations were added to the written report.

Mayor Hitchcock asked that all recommendations be in writing henceforth.

In answer to Mayor Pro Tempore Johnson, Mr. Matayoshi reported that he knew of only one or two other government agencies that used the JDEdwards financial software package.

Mayor Hitchcock and Council Member Mounce suggested that the Management Report be further reviewed at a Shirtsleeve Session.

In reply to Council Member Hansen, Mr. Bruener explained that the City is potentially losing money by not claiming Federal Transit Administration indirect costs; however, the City should determine if the benefit would outweigh the cost of creating a plan.

MOTION / VOTE:

There was no Council action taken on this matter.

RECESS

At 9:35 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 9:46 p.m.

K. REGULAR CALENDAR (Continued)

- K-2 "Introduce ordinance amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by adding Chapter 12.03, "Sidewalks," to place liability on the adjoining property owner as permitted under state law"

City Attorney Schwabauer reported that the City's policy states that property owners have a duty to repair the sidewalk abutting their property unless the defect is caused by a City tree. Homeowners own the fee title to the property underneath the sidewalk; however, they cannot remove it because they are required to maintain the easement for the benefit of the public consistent with City standards. When sidewalks are initially installed in new developments, the homeowner, within the cost of the house, ultimately pays for the cost of the sidewalk fronting their home. Since 1911, the California Streets and Highways Code has provided that the sidewalk maintenance obligation is on the property owner. The City has routinely done patch and grinding work on sidewalks without charging homeowners. Property owners are required to repair/replace sidewalks when there are significant defects or if the defect caused an accident to occur. In addition, when a property owner takes out a home improvement permit, defects to sidewalks must be repaired. The City does not actively enforce the maintenance obligation on property owners unless it has received a complaint. Mr. Schwabauer noted that the rules are the same with regard to curbs and gutters. Water and Wastewater utilities are replaced through fees charged for the infrastructure replacement program. Streets are paid for through gas tax money. Mr. Schwabauer reviewed the court cases of Williams v. Foster and Gonzales v. City of San Jose. Ultimately the court felt that because the property owner is the one who is financially required to do the maintenance, it would then be appropriate for them to have the liability because it would encourage them to perform the maintenance. The proposed ordinance for Council to consider was modeled from the City of San Jose's. Mr. Schwabauer explained that in a circumstance where it is not clear whether the City or property owner is at fault for a defect, the proposed ordinance would transfer liability to the property owner.

In answer to Mayor Hitchcock, Mr. Schwabauer reported that, currently, when it is not clear who is at fault, the City and the property split the bill.

City Manager King stated that if the City is notified that there is a tripping hazard and does not respond to it, its liability can increase significantly.

In reply to Mayor Pro Tempore Johnson, Mr. Schwabauer recalled that sidewalk claims have been as high as \$100,000. He noted that people who tend to trip on sidewalk defects are often older individuals who sustain greater injuries when they fall. He believed that over the past ten years, on average, the City pays \$20,000 annually in trip and fall claims. He

reiterated that the main change being proposed by the ordinance is placing the risk of loss, in an event of an accident, on the party who has the maintenance obligation. Currently, the property owners are liable for repair, but not liable to a third party.

Public Works Director Prima reported that staff tries to do citywide sidewalk inspections every three years. Over the past two years, \$200,000 has been spent on sidewalk repair that was the City's responsibility. He believed that there were no outstanding situations where patch or grinding work needed to be done on sidewalks where defects were the City's responsibility. There are areas where sidewalks need to be replaced. He noted that all sidewalk replacements must be done by a licensed contractor.

PUBLIC COMMENTS:

- Violet Froehlich stated that one of the trees in front of her home died and was removed. Since then the sidewalk has dropped where roots underneath have decayed. She pointed out that sidewalks in older sections of town are in poor condition. She questioned who is at fault in the event of an earthquake that damages the sidewalk. She noted that many older persons on fixed income cannot afford to repair or replace their sidewalk.
- Claire Lima reported that her next door neighbor leaves his garbage cans in front of her house for as long as 48 hours and she has not been able to do anything about it because there is no municipal code section addressing that placement of the cans must be in front of the individual's own home. Ms. Lima felt it was unfair that she must absorb the liability that her neighbor is imposing on her.

Mayor Hitchcock referred Ms. Lima's concern to the City Attorney.

- Richard Clark stated that he purchased his home on Elm Street 40 years ago. The City planted a Modesto Ash tree in the front yard of every home sold in the development at that time. Roots from the tree raised the sidewalk in front of his home and the City patched it. During a windstorm, the tree cracked down its trunk. Mr. Clark feared the tree would fall on someone so he called the City; however, no assistance was rendered. He cut the tree down himself, but the stump still remains. Mr. Clark stated that he would send a letter and photos to the City about this matter. He was opposed to the ordinance because of the burden it places upon citizens and particularly to elderly persons with limited incomes. He asked why something has not been done sooner if the law has been in place since 1911. He recommended that the City do more research before planting trees in the City and believed that the Sycamore trees on School Street would cause many problems in the decades to come.

Addressing Mr. Clark, City Attorney Schwabauer replied that if it was the City's tree, the City should remove it and he encouraged Mr. Clark to forward documentation to the City about the situation.

- Christopher Vigil noted that many changes have taken place since 1911. To maintain uniformity, sidewalks, curbs, and gutters should be maintained by the City. He pointed out that many public utilities are on sidewalks. Foot traffic is unequal in certain neighborhoods and increases near parks, stores, etc., which places additional liability on those who own homes in those areas.
- Michele Levin stated that she recently moved to a new development and large trucks have damaged the curb and sidewalk in front of her home.
- Phil Frieders stated that he was representing himself as a homeowner as well as the Lakeshore Village Homeowners Association, of which he is the President. He noted that there are 205 homes in the Association. He had submitted written communication addressing objections to the proposed ordinance. He stated that it was unreasonable to require property owners to absorb the cost of maintenance and third party liability for

public assets. He maintained that streets and sidewalks were public assets and should be maintained by public funds. The ordinance has to be in place before the City can pass the third party liability on to homeowners. He believed this was a way for the City to cover itself for something it had been doing in the past without the ordinance. Mr. Frieders asked that if Council adopts this ordinance then all sidewalks needing repair or replacement by the City should be brought up to code before enforcing the ordinance.

- Edward Hallisey stated that the purpose of the ordinance is to defer civil liability to the property owners where there is a gray area. He inquired whether the burden of proof to show cause falls solely on the property when the fault is unknown. He asked if the City would hold itself to the same timeline for repair that it imposes on property owners.
- Tim Howard asked that real estate agencies be notified so they can inform potential homebuyers that they will assume partial responsibility of the sidewalk.
- Chuck Easterling, President of the Downtown Lodi Business Partnership, pointed out that business owners often have skateboarders, bicyclists, etc. causing damage to sidewalks. He asked if it would still be necessary to name the City as additionally insured for sidewalk encroachments. He thanked the City and Public Works for increased efforts in street cleaning in the downtown area.
- Barbara Miller asked what to do about large heavy trucks parking on sidewalks and damaging it. She asked whether it would cost more to ask the City to repair the sidewalk or hire a contractor herself. She reported that the sidewalk on the eastside of Central Avenue is in poor condition.

Public Works Director Prima stated that in situations where handicap ramps are installed, utilities are being changed, or street widening done, if the adjacent sidewalk is in need of repair, it is done at the same time regardless of what caused the defect. Gutters are sometimes repaired as part of paving projects. He mentioned that the average sidewalk repair cost ranges from \$500 to \$1,500.

In answer to questions previously posed by citizens, Mr. King stated that the proposed ordinance will have no effect on encroachment permit requirements. He stated that the purpose of the ordinance is to provide the City Council a mechanism to avoid payment of liability in the event of a catastrophic claim. Mr. Schwabauer explained that it is illegal to park on a sidewalk and if a homeowner can prove someone damaged the sidewalk by parking on it the person doing so would be liable to repair the damage. He reiterated that the public has an easement to use the right of way, so the sidewalk cannot be obstructed.

#### MOTION:

Council Member Beckman made a motion, Hitchcock second, to introduce Ordinance No. 1770 amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by adding Chapter 12.03, “Sidewalks,” to place liability on the adjoining property owner as permitted under state law.

#### DISCUSSION:

Council Member Mounce stated that, as a result of City trees, the sidewalks on the eastside are uneven and in disrepair. She felt that the City had an obligation to repair them all before it asked citizens to correct sidewalk defects and assume liability.

In answer to Council Member Hansen, Mr. Schwabauer explained that it is not a “transfer” of liability ordinance; it is a liability “establishment” ordinance. It does not immunize the City from liability; it creates liability on behalf of the property owner. The San Jose court stated that if it cannot be proven that the property owner caused the damage to the sidewalk that caused someone to trip and fall, then the property owner does not have tort

liability. It exposes the property owner to liability if they do not fulfill their preexisting obligation to maintain and repair the sidewalk. It provides a second party, who is liable, for the City to share the damages with. Mr. Schwabauer stated that he had intended to remove provision 12.03.040, as he believed it was inconsistent with case law, and asked that the motion be amended to remove it.

AMENDED MOTION:

The above motion was **amended** to introduce Ordinance No. 1770 amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by adding Chapter 12.03, “Sidewalks,” to place liability on the adjoining property owner as permitted under state law, with the deletion of Section 12.03.040.

VOTE:

The above amended motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – Mounce

Absent: Council Members – None

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

Council Member Beckman made a motion, Hansen second, to hear only Items K-4, K-6, and L-1 following the 11:00 p.m. hour. The motion **failed** by the following vote (requires two-thirds vote):

Ayes: Council Members – Beckman, Hansen, and Mayor Hitchcock

Noes: Council Members – Johnson and Mounce

Absent: Council Members – None

K. REGULAR CALENDAR (Continued)

K-3 “Adopt resolution establishing and adjusting rental fees for Parks and Recreation facilities” was ***pulled from the agenda pursuant to the above vote.***

K-4 “Adopt resolution approving amendment to San Joaquin Council of Governments Joint Powers Agreement to add two additional voting members to the Board, one each from the San Joaquin County Board of Supervisors and the city of Stockton” was ***pulled from the agenda pursuant to the above vote.***

K-5 “Reconsideration of the January 4, 2006, Council action taken regarding the future direction of the Community Separator/Greenbelt Task Force” was ***pulled from the agenda pursuant to the above vote.***

K-6 “Approve fee contract with Angelo, Kilday & Kilduff for representation of City of Lodi in Peter Rose et al. v. the City of Lodi, et al.; United States District Court, Eastern District of California, Case No. CIV.S-05-02229” was ***pulled from the agenda pursuant to the above vote.***

K-7 “Adopt resolution adopting and establishing rules for the conduct of meetings, proceedings, and business, thereby rescinding Resolution 2004-282” was ***pulled from the agenda pursuant to the above vote.***

L. ORDINANCES

L-1 “Ordinance No. 1769 entitled, ‘An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code, Title 12, Chapter 12.12. – Parks – by Adding Article VI, “Waterfowl and Migratory Birds”’ was ***pulled from the agenda pursuant to the above vote.***



*Continued February 1, 2006*

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:56 p.m.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, FEBRUARY 14, 2006**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 14, 2006, commencing at 7:01 a.m.

**A. ROLL CALL**

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and Deputy City Clerk Taylor

**B. TOPIC(S)**

**B-1 "Lodi Public Library 'Refurbishing' Project"**

Library Services Director, Nancy Martinez, provided a PowerPoint presentation and proposed floor plan to refurbish the interior of the Library facility (filed). She explained that improvements would include modifying the floor plan to create small rooms for study and tutor sessions, areas for lounging and browsing, new circulation and reference desk areas, and automatic check-out services. New paint, floor coverings, and furniture will be added, and more computer equipment will be available for public use.

Ms. Martinez added that, although not a part of the \$590,000 project estimate, two adjunct projects exist with regard to the Library. First, modifications are needed to the main public entrance on Locust Street and the side entrance to the Community Room as part of the City's Americans with Disabilities Act (ADA) Transition Plan (\$25,000). It is hoped that this project will be funded using Community Development Block Grant dollars. Second, upgrading lighting throughout the library facility is much needed as determined by the Electric Utility Department. It is hoped that this project will be completed during the refurbishing project and funded using Electric Utility Public Benefits Funds (\$40,000).

At the request of Council Member Hansen, Ms. Martinez explained that no new computers will be purchased for public use, but rather existing computers will be relocated from the computer lab. Additionally, the cost estimate for construction was determined by working with Wenell Mattheis Bowe Architects, and the estimate for furnishings was provided by Durst Office Furniture.

In response to Council Member Mounce, Ms. Martinez stated that the refurbishing project will take approximately four to six weeks to complete, during which time a ready-reference collection will be available in the Library's community room with staff, internet, and reference materials to serve the public.

Electric Utility's Customer Service and Programs Manager, Rob Lechner, shared that approximately one year ago the Electric Utility Department commissioned a study through Quantum Lighting, which produced three different versions for a lighting retrofit project, the lowest cost estimate being \$40,000. At that time, the Electric Utility Director determined that Electric Utility Public Benefits Program funds would be used to provide appropriate lighting for the facility, helping the Library to realize approximately \$1,000 per month in energy savings.

Mayor Pro Tempore Johnson requested that staff provide information regarding how often the community room at the library and the new police facility are being used by the public for meetings and events.

Council Member Beckman clarified that no funds for the project will be from the City's general fund.

City Manager King stated that while no funds for the project will be from the City's general fund, the heating and air conditioning (HVAC) system in the library is very old and in need of replacement at an estimated cost of \$650,000. He shared that since the City owns the library facility, staff would be remiss in not presenting that, just as important as the refurbishing of the interior, there is the matter of the necessity to replace the HVAC system. He stated that if the City had set aside \$12,500 per year for the past 25 years it could pay for necessary maintenance such as the HVAC system, which is what the City should be doing now for the police and Hutchins Street Square facilities. Rather than deferring mechanical systems and furniture replacement in lieu of operations costs, the City needs to implement a plan to balance maintenance costs with operational costs to ensure the financial health of its facilities.

Public Works Director Prima stated that the original HVAC system, installed in 1979, requires a good deal of maintenance and technical expertise to repair; one of three compressors has been inoperable for approximately ten years, and the chiller is in need of replacement. Staff is currently preparing updated financial estimates for the submission of a budget request for the replacement of the system.

Council Member Mounce suggested that, instead of working to secure an additional community room or center in the community, the City should be negotiating for funds to replace the HVAC system in the library, noting that an additional community room would open the City up to the responsibility of maintaining one more facility.

At the request of Mayor Hitchcock, Ms. Martinez reported that no new staff is being requested, and with the automated self-checkout equipment installation, there may be a need for less staff. She shared that the additional space needed for the refurbishing project was found in relocating display aisles from 54" to the standard ADA-required 44" to 48" aisles. She confirmed that while libraries are evolving from study halls to community centers designed to attract the community to the library, noise control is being addressed in the placement of the café near the teen area, and in the building of small rooms and computer stations.

City Manager King stated that, while a timeline is not currently set, library staff is working with the Public Works Department to identify the most convenient and cost-effective time to bid the project and complete construction. Following the preparation of plans and specifications, the project will be brought before Council for consideration.

Council Member Beckman asked for clarification regarding City Council's jurisdiction over the Library Board Foundation and the Library Board of Trustees with regard to the refurbishing project. City Manager King stated that the Library property is a City asset controlled by Council and, therefore, Council will have the opportunity to approve the layout and authorize the distribution of funds for the project. Ms. Martinez stated that the Library Board of Trustees has jurisdiction over the budget and allocation of the budget once it is allocated by the Council as Mr. King stated. The building does belong to the City so the Board approaches the Council for approval of changes to the building. While the closing of the building usually is in the purview of the Trustees, the Library Board does request City Council permission to use the fund balance.

Council Member Hansen commended Ms. Martinez for her outstanding work and innovative style in serving the community and thanked the Library Board of Trustees for presenting a great project based on hard work and community service. He asked Ms. Martinez how library staff will deal with remaining in the current facility and space constraints. Ms. Martinez shared that, while some libraries are overstuffed with materials, the Lodi

Library is working to keep 25% to 30% of the collection in the public's hands at any given time, alleviating the need for more shelf space and minimizing the amount of purging that must be done. The Library Facility Master Plan does call for an extensive remodel, but not in the near future; however, Ms. Martinez stated that she believes the refurbishing project could give the library up to ten years of additional service in the existing building.

City Manager King noted that while library bonds are available, selections are favoring joint library and school facilities and agencies with complete plans for construction or expansions prior to application. This leaves little encouragement to apply for and receive funding to complete an internal remodel and replace the HVAC system. Ms. Martinez added that the next Library bond is on the June ballot for \$600 million with a 35% match due at application and concurred that the proposed project will not score well.

**PUBLIC COMMENTS:**

- Myrna Wetzel requested that consideration be given toward providing quiet rooms specifically designated for those visitors to the library who wish to read or study in silence.

Mayor Hitchcock concurred with Ms. Wetzel's comments, sharing that while there are numerous places within the community where people are encouraged to meet, greet, and socialize, there are few places where one can go to read, study, do homework, and enjoy a quiet place to relax and reflect.

- Library Board of Trustees Member, Juan Villarreal, stated that the goal of the Board is to serve more people within the community with the same level of resources currently in place, and that consideration was given with regard to noise pollution. He shared that, while the project is labeled a refurbishment, at least 25% of the work is about maintenance and avoiding potential hazards, e.g. carpet and floor replacement, electrical wiring, etc., which present issues for the library and the City. The Library Board will be back before the City Council in the near future with a formal request regarding project funding.

Mayor Hitchcock stated that minimal money is being set aside for maintenance of buildings, and this may be an area where the City needs to concentrate its resources. She asked that Mr. King provide an idea of how this affects the City on a City-wide basis and how it will continue to affect the General Fund. Mr. King shared that he has identified that a deferred maintenance and replacement program is an issue and pointed toward the City's pavement condition index and the HVAC system in the Library building. He pointed out that the current condition of the Lodi Grape Bowl is a perfect example of what happens when maintenance is deferred for too long.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:08 a.m.

ATTEST:

Jacqueline L. Taylor  
Deputy City Clerk



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Specifications and Authorize Advertisement for Bids for 2006 Handicap Ramp Retrofit Project

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council approve the specifications for the above project and authorize advertising for bids.

**BACKGROUND INFORMATION:** This project will provide the City with a unit-price bid for removing and replacing curb, gutter, and sidewalk at various intersections in the Community Development Target Area for low to moderate income families and installing handicap ramps to meet the requirements of the Americans with Disabilities Act (ADA). This will be an annual contract and will be used to implement the handicap ramp retrofit program during the 2006-2007 fiscal year. Purchase orders will be issued for the work to be done.

The specifications are on file in the Public Works Department.

**FISCAL IMPACT:** As this project will replace existing curb, gutter and sidewalk with new handicap ramps, there should be no long-term fiscal impact to the City.

**FUNDING AVAILABLE:** The money for this project will be coming from the Community Development Block Grant Fund. Payments to the contractor for this project will be processed through the San Joaquin County Community Development Department, so no appropriation of funds will be necessary.

Project Estimate                      \$250,000  
 Budgeted:                              2005/2006 fiscal year  
 Planned Bid Opening Date:      April 5, 2006

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Ruby Paiste, Interim Finance Director

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Richard C. Prima, Jr.  
 Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer  
 RCP/WKF/pmf  
 cc: Purchasing Officer  
 Street Superintendent  
 Community Improvement Manager

**APPROVED:** \_\_\_\_\_  
 Blair King, City Manager



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Accepting Improvements at South End of Ackerman Drive and at Intersection of Neuharth Drive and Stockton Street

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution accepting the improvements at the south end of Ackerman Drive and at the intersection of Neuharth Drive and Stockton Street.

**BACKGROUND INFORMATION:** Improvements at the south end of Ackerman Drive and at the intersection of Neuharth Drive and Stockton Street have been completed in substantial conformance with the requirements of the Improvement Agreement between the City and Terry R. Knutson and Rose Knutson, Trustees of the Terry and Rose Knutson 2000 Family Trust, as approved by the City on May 19, 2004, and as shown on Drawings No. 004D002-01 through 004D002-04.

City Council approved and adopted Resolution No. 2003-207 vacating Neuharth Drive and the south 300 feet of Ackerman Drive with certain conditions of approval, including the installation of a new cul-de-sac at the south end of Ackerman Drive and the conversion of the Neuharth Drive street entrance to a private driveway. These improvements are now ready for Council acceptance.

The street to be accepted is as follows:

Streets	Length in Miles
Ackerman Drive	*0.00
<b>Total New Miles of City Streets</b>	<b>** (0.12)</b>

\* The right-of-way dedication for Ackerman Drive was for the construction of a cul-de-sac on an existing street. No additional miles of street were added to the City system.

\*\* The abandonment of a portion of Ackerman Drive and Neuharth Drive will decrease the City's street miles by 0.12 miles.

**FISCAL IMPACT:** There should be a slight decrease in long-term maintenance costs as the new cul-de-sac is smaller in area than the streets that were abandoned.

**FUNDING AVAILABLE:** Not applicable.

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer  
RCP/WKF/pmf

cc: City Attorney  
Street Superintendent

Senior Civil Engineer - Development Services  
Senior Engineering Technician

Senior Traffic Engineer  
Chief Building Inspector

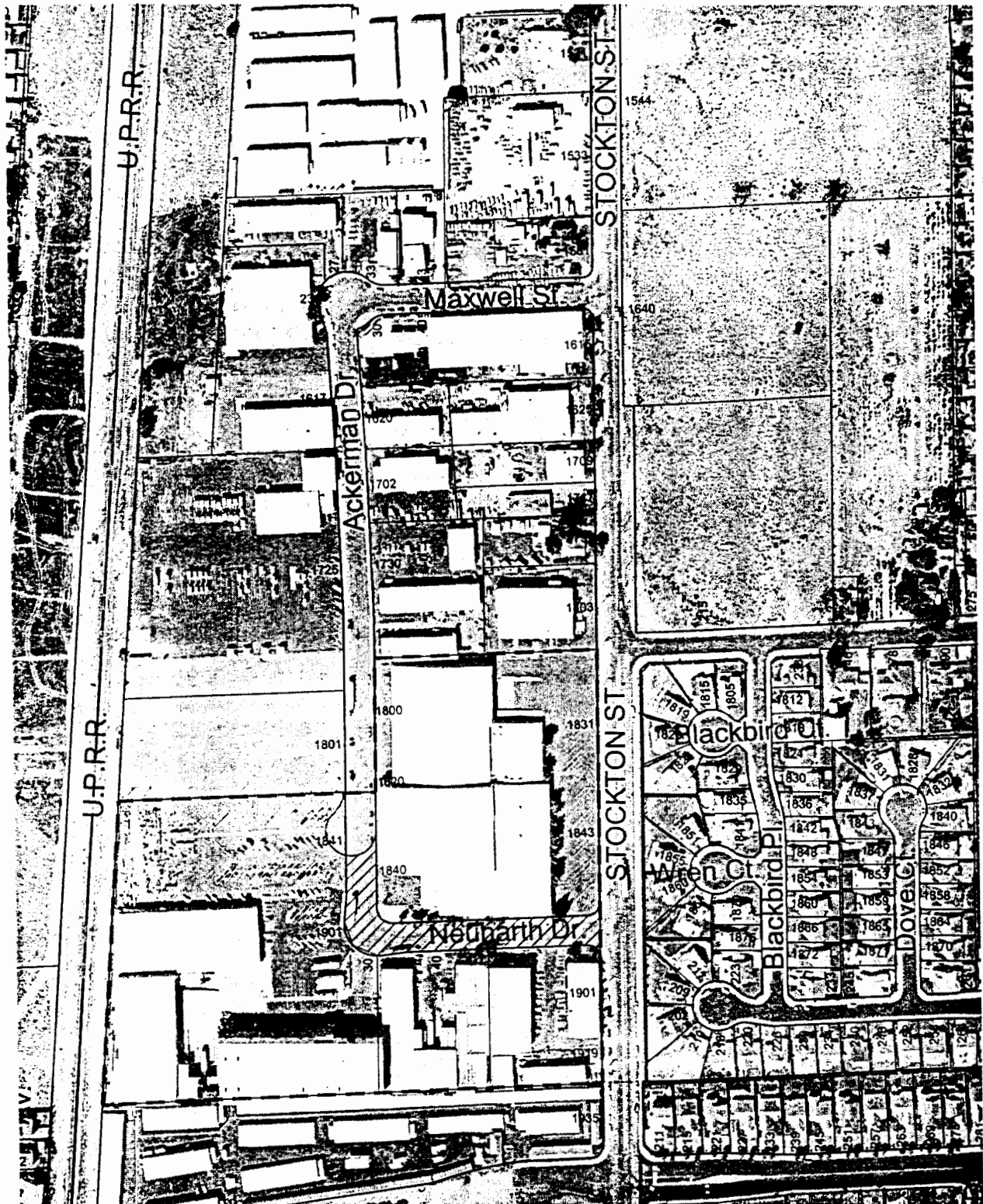
**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## EXHIBIT A PROPOSED STREET ABANDONMENT



1" = 300'

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING  
IMPROVEMENTS AT THE SOUTH END OF ACKERMAN  
DRIVE AND AT THE INTERSECTION OF NEUHARTH DRIVE  
AND STOCKTON STREET

=====

The City Council of the City of Lodi finds:

1. That all requirements of the Improvement Agreement between the City of Lodi and Terry R. Knutson and Rose Knutson, Trustees of the Terry and Rose Knutson 2000 Family Trust, for Public Improvements at the south end of Ackerman Drive and at the intersection of Neuharth Drive and Stockton Street have been substantially complied with. The improvements are shown on Drawing Nos. 004D002-01 through 004D002-04, on file in the Public Works Department and as specifically set forth in the plans and specifications approved by the City Council on May 19, 2004; and

2. That the Lodi City Council approved and adopted Resolution 2003-207 vacating Neuharth Drive and the south 300 feet of Ackerman Drive with certain conditions of approval, including the installation of a new cul-de-sac at the south end of Ackerman Drive and the conversion of the Neuharth Drive street entrance to a private driveway, and these improvements are now ready for Council acceptance.

3. The streets to be accepted are as follows:

<b>Streets</b>	<b>Length in Miles</b>
Ackerman Drive	*0.00
<b>Total New Miles of City Streets</b>	<b>** (0.12)</b>

\* The right-of-way dedication for Ackerman Drive was for the construction of a cul-de-sac on an existing street. No additional miles of street were added to the City system.

\*\* The abandonment of a portion of Ackerman Drive and Neuharth Drive will decrease the City's street miles by 0.12 miles.

Dated: March 1, 2006

=====

I hereby certify that Resolution No. 2006-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2006-\_\_\_\_\_





# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Accepting Improvements in Lalazar Estates, Tract No. 3435

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution accepting the development improvements for Lalazar Estates, Tract No. 3435.

**BACKGROUND INFORMATION:** Improvements at Lalazar Estates, Tract No. 3435, have been completed in substantial conformance with the requirements of the Improvement Agreement between the City of Lodi and Taj M. Khan and Shakila B. Khan, as approved by the City Council on December 14, 2005, and as shown on Drawings No. 004D013-01 through 004D013-05.

The subdivision is located near the southwest corner of Lakeshore Drive and Kettleman Lane. The development consists of nine medium-density single-family residential lots on a private street. A public water main serves this development.

No public streets were dedicated as part of this development.

**FISCAL IMPACT:** There will be a slight increase in long-term maintenance costs for the street.

**FUNDING AVAILABLE:** Not applicable.

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

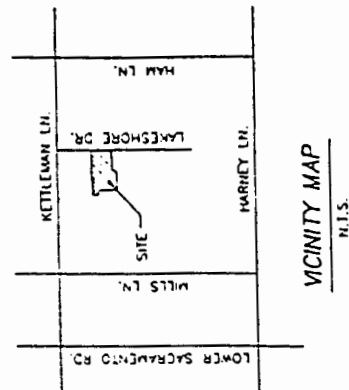
RCP/WKF/pmf

cc: City Attorney  
Senior Civil Engineer - Development Services  
Senior Traffic Engineer  
Street Superintendent  
Senior Engineering Technician  
Chief Building Inspector

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



# LALAZAR ESTATES



VICINITY MAP

N.I.S.

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
ACCEPTING IMPROVEMENTS IN LALAZAR  
ESTATES, TRACT NO. 3435

=====

The City Council of the City of Lodi finds:

1. That all requirements of the Improvement Agreement between the City of Lodi and Taj M. Khan and Shakila LB. Khan, for Public Improvements in Lalazar Estates, Tract No. 3435 have been substantially complied with. The improvements are shown on Drawing Nos. 004D013-01 through 004D013-05, on file in the Public Works Department and as specifically set forth in the plans and specifications approved by the City Council on December 14, 2005; and

2. That the subdivision is located near the southwest corner of Lakeshore Drive and Kettleman Lane, and consists of nine medium-density single-family residential lots on a private street. A public water main serves this development.

3. That no new public streets were dedicated as part of this project.

Dated: March 1, 2006

=====

I hereby certify that Resolution No. 2006-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving 2006 Groundwater Monitoring Services with Treadwell & Rollo, Inc., and Appropriating Funds (\$140,800)

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** That the City Council adopt a resolution approving 2006 groundwater monitoring services with Treadwell & Rollo, Inc., and appropriating funds as shown below.

**BACKGROUND INFORMATION:** The City has a master agreement with Treadwell & Rollo, Inc., for various technical services pertaining to the PCE/TCE contamination. Staff is requesting the approval of additional funds for ongoing work in the Central Plume Monitoring and Reporting Program (Task No. 6). This work is for quarterly sampling of monitoring wells for a one-year basis, as required by the Regional Water Quality Control Board. The requested appropriation includes 10% contingency funds.

**FISCAL IMPACT:** No fiscal impact. Funds are from the Central Plume Settlement.

**FUNDING AVAILABLE:** Central Plume Fund (Account 190106) - \$140,800

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Ruby Paiste, Interim Finance Director

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Richard C. Prima, Jr.  
Public Works Director

Prepared by Rebecca Areida, Management Analyst

RCP/RA/pmf

cc: Phil Smith, Treadwell & Rollo

---

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING 2006 GROUNDWATER MONITORING  
SERVICES WITH TREADWELL & ROLLO, INC., AND  
FURTHER APPROPRIATING FUNDS

=====

WHEREAS, the City has a Master Agreement with Treadwell & Rollo, Inc., for various technical services pertaining to the PCE/TCE contamination; and

WHEREAS, staff is requesting the approval of additional funds for ongoing work in the Central Plume Monitoring and Reporting Program (Task No. 6); and

WHEREAS, this work is for quarterly sampling of monitoring wells for a one-year basis, as required by the Regional Water Quality Control Board, and requires appropriation of \$140,800 which includes 10% contingency funds.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves 2006 Groundwater Monitoring Services with Treadwell & Rollo, Inc., as described above; and

BE IT FURTHER RESOLVED that funds in the amount of \$140,800 be appropriated from the Central Plume Fund for this work.

Dated: March 1, 2006

=====

I hereby certify that Resolution No. 2006-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2006-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Background Information on Implementing Woodbridge Irrigation District Surface Water Program

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council receive background information on implementing the surface water treatment program utilizing the Woodbridge Irrigation District (WID) 6,000 acre-feet contractual allotment. This material is being provided in advance of the March 15, 2006 Council meeting at which staff will request preliminary approvals as described.

**BACKGROUND INFORMATION:** On several past occasions, the Council has received information regarding the acquisition and usage of 6,000 acre-feet per year of Mokelumne River water from Woodbridge Irrigation District. In May 2003, the City contracted with WID to provide untreated surface water to Lodi for 40 years. At the September 21, 2004 Shirtsleeve meeting, the Water Supply Options Report was presented to the Council. At the April 19, 2005 Shirtsleeve meeting, staff again presented alternatives for implementing the 6,000 acre-feet per year surface water supply. On April 20, 2005, Council approved hiring a consultant to further study and develop a recommendation for full implementation of the WID surface water supply. On June 9, 2005, Council was given a copy of the WID Surface Water Implementation Study. On November 1, 2005, Council received a presentation from the consultant and the recommendation that the City go to a conjunctive use water supply system – one that utilizes both groundwater and treated surface water to serve the demands of Lodi's customers.

Over the course of the past three years, a number of alternatives have been considered with the most feasible options being "treat and drink" and "groundwater recharge". Some of the other alternatives studied include: 1) injection well recharge, 2) raw water irrigation of parks and schools, 3) recharge ponds within the City limits, 4) recharge ponds using North San Joaquin Water Conservation District facilities, 5) East Bay Municipal Utility District banking, and 6) interim supply to Stockton recharge ponds. These alternatives were ruled out primarily due to high costs and regulatory uncertainties.

At the regional level, City of Lodi has been participating in several water supply activities that will, hopefully, bring additional water supplies to the City and the other agencies in the region. Examples include the Mokelumne River Water and Power Authority MORE Project that seeks to capture unappropriated peak flows in the Mokelumne River. Also, Lodi is collaborating with Stockton East Water District, North San Joaquin Water Conservation District and WID on a pilot-scale recharge project near Micke Grove Park. North San Joaquin Water Conservation District recently passed a groundwater recharge assessment for their groundwater recharge and is evaluating multiple sites in its district. Note that a large part of the City (generally, the area east of Mills Avenue) is within the District and pays this nominal assessment.

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

The recently-completed 2005 Urban Water Management Plan concisely presents the City's existing and future water supply vs. demand outlook (see Exhibit A). As shown on Exhibit A, the safe long-term yield of the groundwater basin underlying the City is estimated at 15,000 acre-feet annually (afa). At present, the City is using 17,300 afa to meet the demands of existing customers, reflecting a current need for additional water supply and/or conservation.

The UWMP anticipates that through a combination of conservation (the on-going City-wide installation of water meters is expected to conserve approximately 2,400 afa upon completion) and adding 6,000 afa of WID treated surface water, the City's sustainable water supply will meet or exceed the projected water demands up to the year 2029.

The City Council will be asked to support staff's recommendation to pursue the "treat and drink" alternative on the basis it is the "**highest and best use**" of the WID water given a number of factors that are compared below.

### Cost

The estimated construction cost for a surface water treatment facility and associated facilities is estimated to be up to \$29.5 million. These costs are inclusive of site acquisition, surface water diversion piping, ultrafiltration (without pretreatment) using membrane technology, chlorine disinfection, transmission piping, and storage tanks. This alternative does eliminate the need to construct additional wells to serve future demands.

The construction cost for a groundwater recharge program is estimated to be \$30.3 million. This assumes a recharge field 88 acres in size adjacent to the WID canal at \$300,000 per acre, including site improvements and pipe appurtenances. Construction of five new wells is included in the estimate.

These costs are different from other numbers that have been discussed in the past. A comparison of former and current estimates is provided in Exhibit B.

In either scenario, new development is expected to fund the capital improvements. Operating and maintenance costs are considerably higher for the "treat and drink" alternative, when compared to the recharge option. The change to current rates would be an increase of approximately 15% (very rough estimate), if the burden was shared City-wide.

### Benefit

Criteria to evaluate benefits to the City of Lodi and the region include: 1) direct benefit to the groundwater resource, 2) long-term water quality, 3) sharing the regional burden, and 4) time of use. Each is discussed below.

#### Benefit to the Groundwater Resource

In the context that the water demands of existing Lodi are matched by the safe yield of the groundwater resource, the "treat and drink" alternative eliminates further mining of the groundwater and, thereby, results in the highest direct benefit to the groundwater basin currently serving the City.

Groundwater recharge programs have a number of inherent losses including evaporation, uptake by plant materials, and capture within the soil column. These losses can be as high as 30 percent, meaning

the process is about 70% efficient. In addition, the recharge water, once it reaches the groundwater, moves away from the Lodi point of use and toward the central/eastern-County groundwater depression. A map of the County groundwater contours is provided in Exhibit C.

#### Long-Term Water Quality

Lodi has long enjoyed a high quality of water that is pumped from the ground through wells that are clustered in relatively close proximity to the Mokelumne River. Not only has the quality of water been excellent, but the yield from each well has been relatively high, with an average yield of approximately 1,400 gallons per minute. Based upon experience and water quality information for areas southerly and westerly of the City, new wells in these areas are expected to have a higher salinity level and lower yields.

For the "treat and drink" alternative, the salinity levels in the treated surface water will be lower than levels currently found in the groundwater. Combining these two sources for potable use will result in a lowering of salinity levels in both our drinking water and our wastewater. This provides a long-term tangible benefit to the City as the State is expected to impose limits on salinity for discharges to the Delta. Lowering the salinity of our "source water" will help avoid very costly improvements to remove salinity at the wastewater end of the use cycle.

A groundwater recharge program will essentially not alter the water quality characteristics of the City's groundwater resource.

The "treat and drink" alternative will result in chlorination of the entire City water system as is required by State regulation. Most in the industry agree that chlorination requirements will also be imposed upon all groundwater users in the foreseeable future.

#### Sharing the Regional Burden

On a regional basis, the various cities and agencies are collaboratively working to enhance the supply side of the region's groundwater resource. The groundwater basin Lodi shares with other agencies and individual property owners is being mined by over 150,000 afa. This results in declining water levels in wells, which reduces yield, increases pumping costs, and impacts water quality as more saline water is drawn into the basin, rendering wells unfit for use. 150,000 afa and more is needed to meet the goal to reverse and stabilize this problem. On a conceptual level, the principal strategies to achieve this goal include: 1) securing additional surface water resources, 2) elimination or deferral of further groundwater pumping, 3) banking through recharge or deferral of pumping, and 4) regional recharge. The MORE project was described above. The Stockton Delta Water Supply Project includes a treatment plant that will begin treating 56,000 afa within three years. Lodi's water treatment plant can begin producing 6,000 afa of treated drinking water within 4.5 years. A recharge program would provide somewhat less regional benefit by virtue of the losses described above.

#### Time of Use

Water demands within the City are highest in the spring, summer and fall. Conversely, the lowest demands are in the winter. Our WID water is available from March 1 through October 15, and this perfectly matches our highest demand period. Lodi has secured high quality surface water deliveries that meld with demands, both in quantity and in time. To store such water in the ground during periods of peak demands does not make a lot of sense.



As is the strategy of many of the regional recharge programs, excess water, that usually becomes available in the winter months, is diverted to fallow fields for percolation. Often times, this water is sediment laden and well suited for groundwater recharge. The City of Lodi could pursue a similar strategy by diverting storm drainage water to recharge areas and/or by altering designs for new developments to incorporate recharge facilities.

#### Staff Recommendation

At the March 15 meeting, staff will be requesting City Council approval to move forward with the “treat and drink” alternative and that the City Council authorize staff to solicit proposals for Preliminary Water Treatment Master Planning work required to prepare preliminary design alternatives and further recommendations. Design alternatives could include partnerships with other agencies.

Among the tasks to be done are:

1. Watershed Assessment
2. Process Evaluation and Pilot Testing
3. Alternative Site Evaluations
4. Cost Estimates
5. Financing Alternatives
6. Environmental and Regulatory Considerations

Staff recognizes that this recommendation is not what we anticipated when the WID water purchase agreement was made. Since then, a number of factors have made groundwater recharge a less desirable alternative. Regulatory requirements on recharge projects have increased in the last few years and, most recently, water rights and underground storage permit requirements are making recharge projects more uncertain in the long-run. However, as noted earlier, recharge may be a viable alternative for the irregular peak flows associated with local storms and high river runoff events.

Due to the design complexity, regulatory requirements and cost of projects of this nature, major design decisions today are no longer made unilaterally by a project team. Instead, a consensus is reached only after participation by members of the design team and individuals outside the team, including owners, operators, regulatory agencies and the general public. Therefore, a process of measured steps, of which this is the first, is our recommendation.

**FISCAL IMPACT:** Information only. None at this time.

**FUNDING AVAILABLE:** Not applicable.

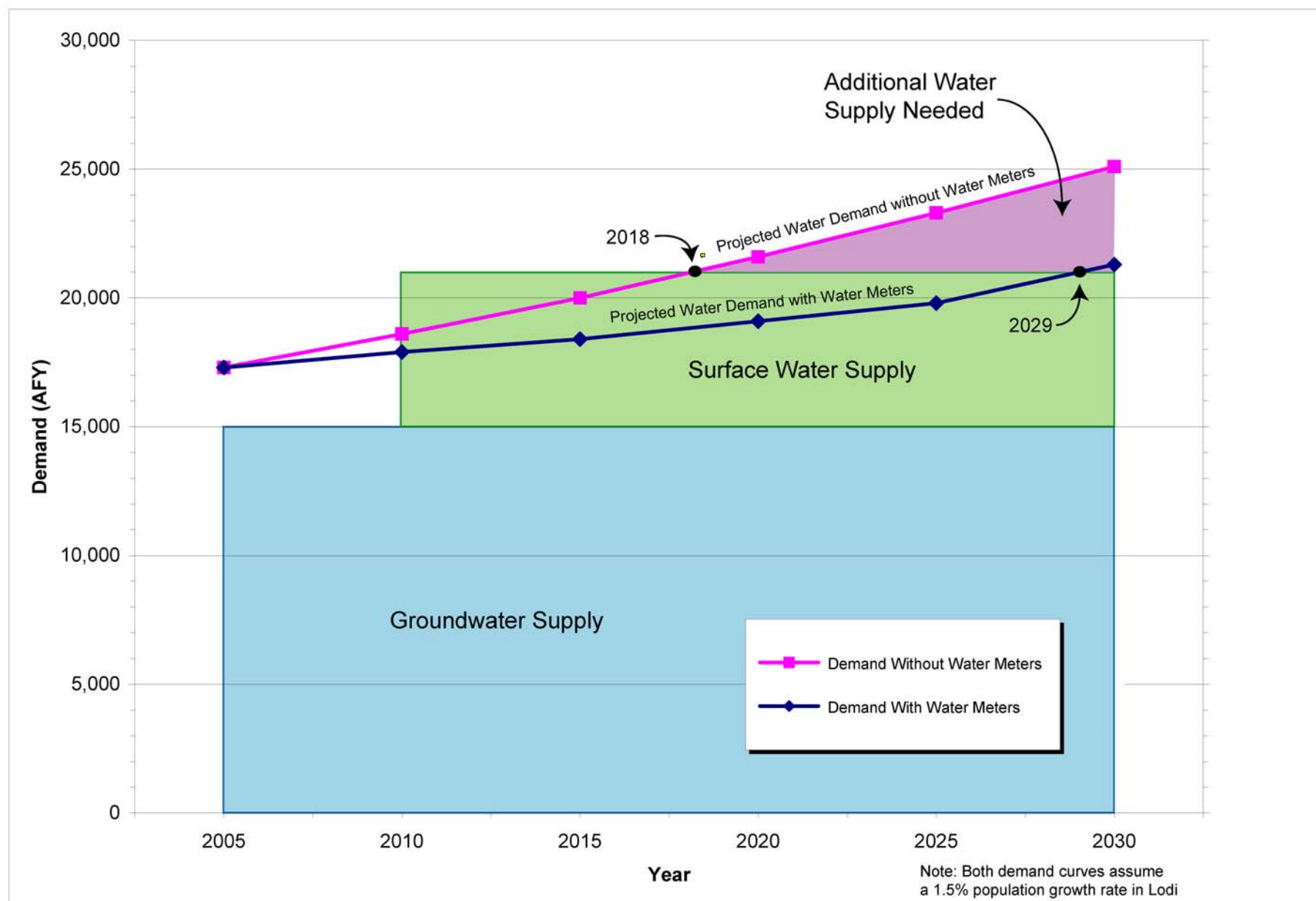
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Richard C. Prima, Jr.  
Public Works Director

Prepared by Richard Prima, Public Works Director and F. Wally Sandelin, City Engineer

RCP/FWS/pmf

Attachments



## EXHIBIT B

### Comparison of Planning Cost Estimates

#### Recharge Basin

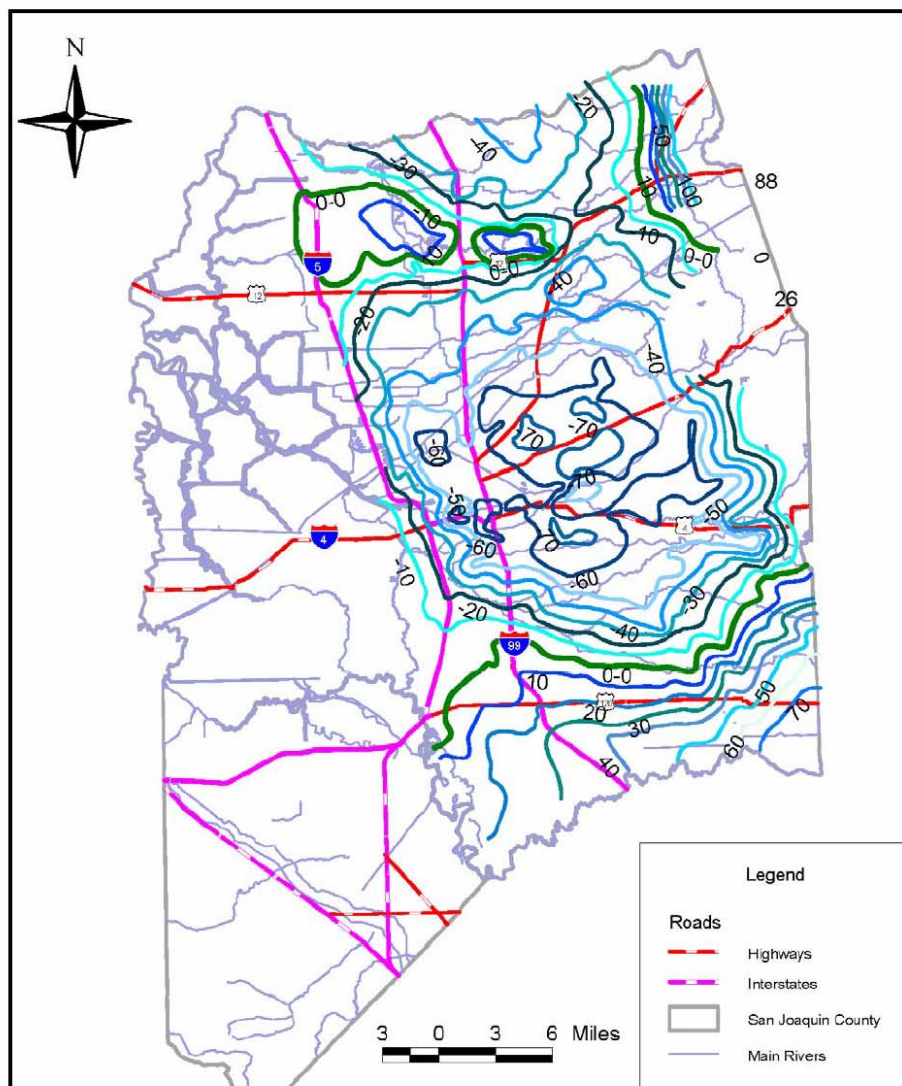
	<b>2005</b>	<b>2006</b>
Construction of Recharge Basin	\$593,000	\$593,000
Construction Contingency (20%)	\$119,000	\$119,000
Engineering and Other Fees (15%)	\$89,000	\$89,000
<b>Subtotal</b>	\$801,000	\$801,000
Purchase Land for Basin	\$17,600,000	\$26,400,000 <sup>(1)</sup>
CEQA/NEPA	\$100,000	\$100,000
Water Wells		\$3,000,000 <sup>(2)</sup>
<b>Total</b>	\$18,501,000	\$30,301,000

#### Surface Water Treatment Plant

	<b>2005</b>	<b>2006</b>
Surface Water Treatment Plant and Associated Transmission Facilities	\$25,700,000	\$20,000,000 <sup>(3)</sup>
Construction Contingency (20%)	\$5,100,000	\$4,000,000
Engineering and Other Fees (15%)	\$3,900,000	\$3,000,000
<b>Subtotal</b>	\$34,700,000	\$27,000,000
Purchase Land for Plant	\$1,000,000	\$1,500,000 <sup>(4)</sup>
CEQA/NEPA	\$1,000,000	\$1,000,000
<b>Total</b>	\$36,700,000 <sup>(5)</sup>	\$29,500,000

- (1) The land cost for 88 acres is assumed to be \$300,000 per acre compared to \$200,000 per acre as reflected in the West Yost Lodi Surface Water Implementation TM. (West Yost TM)
- (2) Five new wells are required for the groundwater recharge alternative and the estimated construction cost is \$600,000 per well or \$3,000,000. This cost was not included in the West Yost TM.
- (3) Further research into the type of treatment processes and after visitation to three Northern California plants, a better planning estimate has been determined to be \$20,000,000 for constructing a 10 MGD treatment plant and associated transmission facilities.
- (4) The land cost for 5 acres is assumed to be \$300,000 per acre, compared to \$200,000 per acres as reflected in the West Yost TM.
- (5) The West Yost TM presented a \$50 million number that was \$36.7 million adjusted to the forecast mid-point of construction.

*Eastern San Joaquin Groundwater Basin Groundwater Management Plan*



**Figure ES-2 Fall 1993 Groundwater Contours**

Source: Camp Dresser & McKee Inc.



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt Resolution Rescinding Resolution No. 2005-264 Regarding SBC Encroachment Condition

**MEETING DATE:** March 1, 2006 City Council Meeting

**PREPARED BY:** City Attorney

---

**RECOMMENDED ACTION:** Rescind Resolution No. 2005-264 regarding SBC Encroachment Condition.

**BACKGROUND INFORMATION:** Council adopted an encroachment permit condition for SBC's Project Lightspeed on December 21, 2005. Subsequently, the 9<sup>th</sup> Circuit issued its decision in Sprint v. City of La Canada Flintridge which may impact the Council's action. Staff therefore requests that Council rescind Resolution No. 2005-264 to permit further legal analysis.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not Applicable.

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Steve Schwabauer, City Attorney

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
RESCINDING RESOLUTION NO. 2005-264 RELATING  
TO THE APPROVAL OF THE SBC ENCROACHMENT  
PERMIT CONDITION (VIDEO PROGRAMMING  
LIMITATION) FOR NEW FACILITIES INSTALLATIONS

=====

WHEREAS, the Lodi City Council adopted Resolution No. 2005-264 at its meeting held December 21, 2005, approving an encroachment permit condition for SBC's Project Lightspeed Project; and

WHEREAS, subsequently, the 9<sup>th</sup> Circuit issued its decision in Sprint v. City of La Canada Flintridge which may impact the Council's action; and

WHEREAS, staff therefore requests that Council rescind Resolution No. 2005-264 to permit further legal analysis.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby rescinds Resolution No. 2005-264 relating to the approval of the SBC Encroachment Permit Condition (Video Programming Limitation) for new facilities installations and its inclusion on all future SBC Encroachment Permits issued for facilities installation.

Dated: March 1, 2006

=====

I hereby certify that Resolution No. 2006-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2006-\_\_\_\_\_

## **Comments by the public on non-agenda items**

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**Comments by the City Council Members on non-agenda items**





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Conduct a Public Hearing to consider and approve community input and proposals for uses of the City's 2006/07 Federal allocation of Community Development Block Grant (CDBG) and HOME Program Funds and the reallocation of available funds from previous program years

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Community Improvement Manager

**RECOMMENDED ACTION:** That the City Council conduct a public hearing to consider and approve community input and proposals for potential uses of the City's 2006/07 Federal allocation of CDBG and HOME Program funds and the reallocation of available funds from previous program years.

**BACKGROUND INFORMATION:** The City anticipates receiving \$717,587.00 in CDBG funds and \$263,675.00 in HOME funds from the Federal government for the coming fiscal year. A complete breakdown of the Federal funding provided to the County by the Department of Housing and Urban Development (HUD) and then allocated to the participating jurisdictions throughout the County is provided in Attachment C.

The CDBG funds can be used for a wide range of community development projects as long as they meet one of the National objectives. The objectives are: 1) To address the needs of low to moderate income persons., 2) To eliminate slum or blighted conditions., 3) To resolve an urgent need. The HOME funds are reserved for housing and housing related activities such as rehabilitation and new construction. Activities undertaken with HOME funds also must meet the needs of low to moderate income persons.

The approval of funding allocations for this coming year will also involve the reallocation of CDBG funding from three projects that have been completed and a balance remains. Those projects and amounts are as follows:

- |   |              |
|---|--------------|
| • Project 99-04 Eastside Park Improvements      | \$169,964.20 |
| • Project 02-16 Lodi Lake Handicapped Access    | \$ 17,000.50 |
| • Project 04-08 Lodi Community Center Expansion | \$ 26,383.50 |

The process for allocating the 2006/07 CDBG/HOME funding has followed the following timeline:

- |                           |  |
|---------------------------|--|
| • December 6, 2005        | Public Meeting held to open application period.  |
| • January 13, 2006        | Application deadline.  |
| • Jan. 16 – Feb. 10, 2006 | Staff review of applications.  |
| • February 13, 2006       | Review applications with Policy Advisory Committee (PAC) representative, Councilmember Mounce. |

APPROVED: \_\_\_\_\_  
Blair King, City Manager

- February 16, 2006 Review applications and recommendations with City Manager.
- March 1, 2006 Conduct Public Hearing
- March 2, 2006 Submit Council authorized funding recommendations to County.

Community Development staff has met with representatives of the Parks and Recreation Department, the Public Works Department, the Finance Department and the City Manager's Office, to discuss the aforementioned funding requests. A listing of those funding requests and the City Manager's recommendations for funding are attached as Exhibit A. A review of the eligibility and the criteria that was used in reviewing the funding requests is also attached as Exhibit B.

Of the 17 requests that were received and evaluated, the following 3 funding requests are not being recommended for funding:

LOEL Foundation: Acquisition of 331-333 E. Oak Street for Senior Housing \$330,000.00

- Committing this amount of funding to gain only two units was not considered an effective use of funding.

Emergency Food Bank Phase III of their Expansion at 7 W. Scotts, Stockton \$50,000.00

- This project did not meet the readiness criteria as they do not have all the necessary funding to complete the project, nor would they have the necessary plans, permits and approvals necessary to proceed within 7 months of receiving the funding.

Parks & Recreation Dept. Blakely Park Restroom Replacement \$170,000.00

- This project/funding request was voluntarily removed from consideration when issues regarding readiness surfaced.

Of the 14 requests for funding that are being considered, the following 5 applications are being recommended for only partial funding, due to the limited amount of funding available:

- Emergency Food Bank – Prime Foods Program \$7,000.50 of the requested \$7,292.00
- Public Works – Handicapped Ramps \$155,214.20 of the requested \$250,000.00
- Lodi Cat Connection \$10,000.00 of the requested \$16,000.00
- Community Development – Affordable Housing \$330,000.00 of the requested \$500,000.00
- City Manager's Office – Economic Development \$150,000.00 of the requested \$200,000.00

A breakdown of all funding requests and the recommended funding amounts and sources are identified in Exhibit A.

**FISCAL IMPACT:**

There is no direct fiscal impact but these departments will be impacted by administering programs or projects associated with the following allocations:

Public Works Department:	\$155,214.20
Parks & Recreation Department	\$114,750.00
Lodi Library	\$ 42,251.00
City Manager's Office	\$150,000.00
Community Development Department	\$330,000.00

**FUNDING AVAILABLE:** Federal Community Development Block Grant and HOME Program Funds

---

Ruby Paiste, Interim Finance Director

Respectfully Submitted:

Concurred

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Joseph Wood  
Community Improvement Manager

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Randy Hatch  
Community Development Director

cc: City Manager  
City Attorney's Office  
2006/07 Applicants

2006/07 CDBG/HOME Program - City Manager's Recommendations to Council

<u>Applicant</u>	<u>Amount Requested</u>	<u>Project/Service Description</u>
Lodi Adult Literacy Program	\$11,000.00	Financial Literacy Assistance Project
LOEL Foundation	\$278,391.00	Final installment for acquisition of 303 E Oak Street.
LOEL Foundation	\$330,000.00	Acquisition of duplex at 331-333 E. Oak Street.
Lodi Parks & Recreation	\$100,000.00	Installation of new deck surfacing material at Enze Pool facility.
Lodi Parks & Recreation	\$9,500.00	Hale Park - ADA Parking improvements.
Lodi Parks & Recreation	\$5,250.00	Rec Annex - ADA Parking improvements.
Lodi Parks & Recreation	\$170,000.00	Blakely Park restroom building replacement.
Second Harvest Food Bank	\$10,000.00	Expand Food Assistance, Senior Brown bag & Food 4 Thought Programs.
SJC Human Services Agency	\$70,383.50	Site Improvements for Lodi Community Center.
Emergency Food Bank	\$50,000.00	Phase III of on-going expansion project at 7 W. Scotts, Stockton
Emergency Food Bank	\$7,292.00	New "Prime Foods" program.
Lodi Public Works	\$250,000.00	Handicapped Ramp Retrofit Project
Lodi Library	\$32,000.00	Renovation of entrances to Library building to meet ADA requirements.
Lodi Cat Connection	\$16,000.00	Spay and Neutering Program
Fair Housing	\$26,620.00	Fair Housing services to low income residents.
Lodi Community Development	\$500,000.00	Land Acquisition for Affordable Housing
Lodi City Manager's Office	\$200,000.00	Economic Development - Jobs Program
<b>Total Requested Allocations</b>	\$1,366,436.50	

2006/07 ALLOCATIONS		CDBG REALLOCATIONS		
CDBG FUNDS	HOME FUNDS	PROJECT 99-04	PROJECT 02-16	PROJECT 04-08
<u>\$717,587.00</u>	<u>\$263,675.00</u>	<u>\$169,964.20</u>	<u>\$17,000.50</u>	<u>\$26,383.50</u>
\$11,000.00				
\$14,716.00	\$263,675.00			
\$0.00	\$0.00			
\$0.00		\$100,000.00		
\$0.00		\$9,500.00		
\$0.00		\$5,250.00		
\$0.00				
\$10,000.00				
\$44,000.00				\$26,383.50
\$0.00				
\$0.00			\$7,000.50	
\$100,000.00		\$55,214.20		
\$31,251.00				
\$0.00			\$10,000.00	
\$26,620.00				
\$330,000.00				
\$150,000.00				
\$717,587.00	\$263,675.00	\$169,964.20	\$17,000.50	\$26,383.50
-\$717,587.00	-\$263,675.00	-\$169,964.20	-\$17,000.50	-\$26,383.50
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Summary of Reallocated Projects  
99-04 - Eastside Park Improvements  
02-16 - Lodi Lake Handicapped Access  
04-08 - Lodi Community Center Expansion

2006/07 CDBG/HOME Program - Application Eligibility Review			Federal Criteria		Local Criteria		Leveraging Funds		Additional	15% Service Cap
			<u>Eligible Activity</u>	<u>National Objective</u>	<u>Readiness Criteria</u>	<u>Bricks &amp; Mortar</u>	<u>Yes/No</u>	<u>Amount</u>	<u>Sources</u>	<u>Yes/No</u>
<u>Applicant</u>	<u>Amount Requested</u>	<u>Project/Service Description</u>								
Lodi Adult Literacy Program	\$11,000.00	Financial Literacy Assistance Project	Public Services	LMI Persons	Yes	No	No	\$0.00	HOME	Yes
LOEL Foundation	\$278,391.00	Acquisition of 303 E Oak Street.	Acquisition	LMI Persons	Yes	Yes	No	\$0.00	None	No
LOEL Foundation	\$330,000.00	Acquisition of 331-333 E. Oak Street.	Acquisition	LMI Persons	Yes	Yes	No	\$0.00	None	No
Lodi Parks & Recreation	\$100,000.00	Enze Pool deck replacement.	Public Improvements	LMI Area	Yes	Yes	No	\$0.00	None	No
Lodi Parks & Recreation	\$9,500.00	Hale Park - ADA Parking improvements.	Public Improvements	LMI Area	Yes	Yes	No	\$0.00	None	No
Lodi Parks & Recreation	\$5,250.00	Rec Annex - ADA Parking improvements.	Public Improvements	LMI Area	Yes	Yes	No	\$0.00	None	No
Lodi Parks & Recreation	\$170,000.00	Blakely Park restroom building replacement.	Public Improvements	LMI Area	n/a	n/a	n/a	\$0.00	n/a	n/a
Second Harvest Food Bank	\$10,000.00	Expand Food Assistance Programs	Public Services	LMI Persons	Yes	No	No	\$0.00	CDBG	Yes
SJC Human Services Agency	\$70,383.50	Site Improvements for Lodi Community Center.	Public Improvements	LMI Persons	Yes	Yes	No	\$0.00	None	No
Emergency Food Bank	\$50,000.00	Phase III of on-going expansion project.	Public Improvements	LMI Persons	No	Yes	Yes	\$327,000.00	CDBG	No
Emergency Food Bank	\$7,292.00	New "Prime Foods" program.	Public Services	LMI Persons	Yes	No	No	\$0.00	CDBG	Yes
Lodi Public Works	\$250,000.00	Handicapped Ramp Retrofit Project	Public Improvements	LMI Area	Yes	Yes	No	\$0.00	None	No
Lodi Library	\$32,000.00	Library Entrance ADA Project	Public Improvements	LMI Persons	Yes	Yes	No	\$0.00	None	No
Lodi Cat Connection	\$16,000.00	Spay and Neutering Program	Public Services	LMI Area	Yes	No	No	\$0.00	None	Yes
Fair Housing	\$26,620.00	Fair Housing services to low income residents.	Program Admin	LMI Persons	Yes	No	No	\$0.00	CDBG	Yes
Lodi Community Development	\$500,000.00	Land Acquisition for Affordable Housing	Acquisition	LMI Persons	Yes	Yes	Yes	Unknown	Developer	No
Lodi City Manager's Office	\$200,000.00	Economic Development - Jobs Program	Economic Development	LMI Persons	Yes	Yes	Yes	Unknown	Applicant	No

**COUNTY OF SAN JOAQUIN  
FY 2006-07 GRANT FORMULA ALLOCATION**

			JURISDICTIONS	2006/07 CDBG ALLOCATION	2006/07 HOME ALLOCATION	TOTAL 2006/07 ALLOCATION
	CDBG	HOME	Total	\$3,425,366.00	\$1,258,640.00	\$4,684,006.00
Total Allocation:	\$3,644,006.00	\$1,678,187.00	Escalon	\$ 75,000.00	\$ 17,495.00	\$ 92,495.00
CHDO Set-Aside:	-	\$ 251,728.00	Lathrop	\$ 75,000.00	\$ 27,464.00	\$ 102,464.00
Administrative Costs (6% CDBG/10% HOME)	\$ 218,640.00	\$ 167,819.00	<b>Lodi</b>	<b>\$ 717,587.00</b>	<b>\$ 263,675.00</b>	<b>\$ 981,262.00</b>
Net Allocation:	\$3,425,366.00	\$1,258,640.00	Manteca	\$ 368,317.00	\$ 135,337.00	\$ 503,654.00
			Ripon	\$ 75,000.00	\$ 28,523.00	\$ 103,523.00
			Tracy	\$ 407,252.00	\$ 149,644.00	\$ 556,896.00
			County	\$1,707,210.00	\$ 636,503.00	\$2,343,713.00

**EXHIBIT C**

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
THE PROJECTED USE OF FUNDS FOR THE 2006/07  
FEDERAL ALLOCATION OF COMMUNITY DEVELOPMENT  
BLOCK GRANT AND HOME PROGRAM FUNDS, AND  
FURTHER REALLOCATING AVAILABLE FUNDS FROM  
PREVIOUS PROGRAM YEARS

=====

WHEREAS, the Department of Housing and Urban Development has determined that the City of Lodi, California, is entitled to Community Development Block Grant (CDBG) and HOME funding as a participating city through the County of San Joaquin and Urban County, for fiscal year 2006/07 Federal allocation; and

WHEREAS, the City Council of the City of Lodi has been made aware of the amount of the CDBG and HOME funds available for the 2006/07 Federal allocation of fiscal program year being approximately \$717,587 and \$263,675, respectively; and

WHEREAS, the City of Lodi has held, with proper notification, a public hearing at the City Council meeting held March 1, 2006, to receive comments and proposals from the public regarding the projected use of CDBG and HOME funds, and provided the public with adequate information concerning the amount of funds available for community development activities, the range of eligible activities, and other important requirements; and

WHEREAS, the City of Lodi, California, has received public input regarding the proposed use of CDBG and HOME funds; and

WHEREAS, the City Council of the City of Lodi has been made aware of the need to reallocate unused CDBG funds from previous years to facilitate the expedited use of those funds; and

WHEREAS, staff therefore recommends the reallocation of \$213,348.20 of unused available CDBG funds from previous program years to supplement the 2006/07 funding and reduce the balance of unused funds from the projects listed as follows:

Project 99-04 Eastside Park Improvements	\$169,964.20
Project 02-16 Lodi Lake Handicapped Access	\$ 17,000.50
Project 04-08 Lodi Community Center Expansion	<u>\$ 26,383.50</u>
	\$213,348.20

WHEREAS, staff further recommends the allocation of 2006/07 CDBG and HOME funds to projects as outlined on Exhibit A attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve the recommended 2006/07 Federal allocations of CDBG and HOME funds to the projects shown on Exhibit A attached and made a part hereof, in the amount of \$717,587.00 and \$263,675.00 respectively; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby approve the reallocation of \$213,348.20 of unused available CDBG funds from previous program years to supplement the 2006/07 funding and reduce the balance of unused funds.

Dated: March 1, 2006

=====

I hereby certify that Resolution No. 2006-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2006-\_\_\_\_



2006/07 CDBG/HOME Program - Recommended Funding Allocations

Applicant	Project/Service Description	2006/07 ALLOCATIONS		CDBG REALLOCATIONS			TOTALS
		CDBG FUNDS	HOME FUNDS	PROJECT 99-04	PROJECT 02-16	PROJECT 04-08	
		\$717,587.00	\$263,675.00	\$169,964.20	\$17,000.50	\$26,383.50	
Lodi Adult Literacy Program	Financial Literacy Assistance Project	\$11,000.00					\$11,000.00
LOEL Foundation	Final installment for acquisition of 303 E Oak Street.	\$14,716.00	\$263,675.00				\$278,391.00
Lodi Parks & Recreation	Enze Pool - Deck Surfacing Project	\$0.00		\$100,000.00			\$100,000.00
Lodi Parks & Recreation	Hale Park - ADA Parking improvements.	\$0.00		\$9,500.00			\$9,500.00
Lodi Parks & Recreation	Rec Annex - ADA Parking improvements.	\$0.00		\$5,250.00			\$5,250.00
Second Harvest Food Bank	Expand Food Assistance Programs	\$10,000.00					\$10,000.00
SJC Human Services Agency	Site Improvements for Lodi Community Center.	\$44,000.00				\$26,383.50	\$70,383.50
Emergency Food Bank	New "Prime Foods" program.	\$0.00			\$7,000.50		\$7,000.50
Lodi Public Works	Handicapped Ramp Retrofit Project	\$100,000.00		\$55,214.20			\$155,214.20
Lodi Library	Library Building Entrance ADA Retrofit	\$31,251.00					\$31,251.00
Lodi Cat Connection	Spay and Neutering Program	\$0.00			\$10,000.00		\$10,000.00
Fair Housing	Fair Housing services	\$26,620.00					\$26,620.00
Lodi Community Development	Land Acquisition for Affordable Housing	\$330,000.00					\$330,000.00
Lodi City Manager's Office	Economic Development - Jobs Program	\$150,000.00					\$150,000.00
		\$717,587.00	\$263,675.00	\$169,964.20	\$17,000.50	\$26,383.50	

Summary of Reallocated Projects  
 99-04 - Eastside Park Improvements  
 02-16 - Lodi Lake Handicapped Access  
 04-08 - Lodi Community Center Expansion

EXHIBIT A

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

February 18th

all in the year 2006.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 18th day of February 2006.

Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of  
Special Notice of Public Hearing for March 1, 2006 for  
Community input and proposals for uses of the City's  
2006-2007 Federal allocation of Community Development  
Block Grant and HOME Program funds and the reallocation  
of available funds from previous program years.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, March 1, 2006 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years.

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: February 15, 2006

Approved as to form:

D. Stephen Schwabauer  
City Attorney  
February 18, 2006 - 05511436

5511436



## CITY OF LODI

**Carnegie Forum**  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

**Date:** March 1, 2006

**Time:** 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**  
City Clerk  
Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, March 1, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years.

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

By Order of the Lodi City Council:

A handwritten signature in black ink, appearing to read "Susan J. Blackston".

Susan J. Blackston  
City Clerk

**Dated:** February 15, 2006

Approved as to form:

A handwritten signature in black ink, appearing to read "D. Stephen Schwabauer".

D. Stephen Schwabauer  
City Attorney



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT:** SPECIAL NOTICE OF PUBLIC HEARING FOR March 1, 2006 for Community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years.

**LEGAL AD**

**PUBLISH DATE:** February 18, 2006

**TEAR SHEETS WANTED:** Three (3) please

**SEND AFFIDAVIT AND BILL TO:** SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED:** February 16, 2006

**ORDERED BY:** SUSAN J. BLACKSTON  
CITY CLERK

JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at 320 pm (time) on 2/16/06 (date) Z (pages)  
DIANE R. Phoned to confirm receipt of all pages at 330 pm (time) JLT DRC JMP (initials)



## **DECLARATION OF POSTING**

**PUBLIC HEARING FOR March 1, 2006 for Community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years.**

On Friday February 17, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for the Adoption of the update of Lodi's Water Management Plan.

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.


Executed on February 17, 2006, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON**  
**CITY CLERK**

\_\_\_\_\_  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

  
\_\_\_\_\_  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

**PUBLIC HEARING FOR March 1, 2006 for Community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years.**

On February 16, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, for Community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on February 16, 2006, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON  
CITY CLERK, CITY OF LODI**

ORDERED BY:

JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

  
DANA R. CHAPMAN  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

**CDBG Mailing List 2006/07**

Lodi Public Library Foundation  
Adult Literacy Program  
c/o Stephanie Allen, Literacy Services Coordinator  
201 W. Locust St.  
Lodi, CA 95240-2013

Lodi Public Library Foundation  
c/o Nancy Martinez, Library Services Director  
201 W. Locust St.  
Lodi, CA 95240-2013

Loel Center & Garden  
c/o Tracy Williams, Executive Director  
105 South Washington Street  
Lodi, CA 95240

Parks and Recreation  
c/o Steve Dutra, Park Superintendent  
125 N. Stockton Street  
Lodi, CA 95240

Second Harvest Food Bank  
c/o Nicholas R. Endsley, Program Manager  
704 E. Industrial Park Drive  
Manteca, CA 95537

San Joaquin County Human Services Agency  
c/o Judith Ray Jones, Deputy Director  
102 S. San Joaquin Street  
Stockton, CA 95201

Emergency Food Bank of Greater Stockton  
c/o Tim Viall, Executive Director  
7 W. Scotts Avenue  
Stockton, CA 95203

City of Lodi  
c/o Wes Fujitani, Senior Civil Engineer  
P. O. Box 3006  
Lodi, CA 95241

Lodi Cat Connection  
c/o Rose Hilliard, President  
109 N. Hutchins Street  
Lodi, CA 95242



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Post for Vacancies on the Greater Lodi Area Youth Commission (Student Appointees)

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That Council, by motion action, direct the City Clerk to post for the vacancies on the Greater Lodi Area Youth Commission.

**BACKGROUND INFORMATION:** Several terms are due to expire on the Greater Lodi Area Youth Commission. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancies below.

**Greater Lodi Area Youth Commission**

Erin Brink	Term to expire May 31, 2006
Brooke Goodbary	Term to expire May 31, 2006
Jacqueline Hamilton	Term to expire May 31, 2006
Kevin Howard	Term to expire May 31, 2006
Sarah McConahey	Term to expire May 31, 2006

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

Susan J. Blackston  
City Clerk

SJB/JMP

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Appoint Council Member to Serve as Representative and City Manager to Serve as Alternate to the League of California Cities Central Valley Division Executive Committee

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That, following discussion, the City Council appoint a Council Member to serve as the representative and the City Manager to serve as alternate to the League of California Cities Central Valley Division Executive Committee.

**BACKGROUND INFORMATION:** The League of California Cities has requested that city councils appoint a representative and an alternate to the Central Valley Division Executive Committee (see Exhibit A attached). It will be the responsibility of the representative to act as a conduit for information and decisions made at executive committee meetings, attend quarterly dinners, and otherwise represent the sentiments of their member city. The committee will meet once each quarter, typically one month prior to the quarterly division meetings.

It is requested that Council discuss this matter and select a Council Member to serve as the representative to this committee. The City Manager has suggested that he serve as the alternate as he routinely attends the meetings.

**Central Valley Division Executive Committee**

Representative \_\_\_\_\_ (Council Member representative)  
Alternate Blair King, City Manager

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** N/A

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Susan J. Blackston  
City Clerk

SJB/JMP

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



February 16, 2006

To: The Honorable Mayor and City Council

From: Vince Hernandez, Central Valley Division Acting President  
John Fantazia, Central Valley Division Acting 1<sup>st</sup> Vice President  
Bill Spriggs, Central Valley Division, Past President

Re: Designation of Central Valley Division Executive Committee Representative

The Central Valley Division of the League is scheduling a meeting of the Division's Executive Committee on **Thursday, March 9 in the City of Manteca at 5:30 PM at Isadore's** (details and directions attached).

Our Central Valley Division bylaws state:

- The Executive Committee of this Division shall be composed of the officers of the Division and one representative from each member municipality, from which there is no officer, appointed by the legislative body thereof, and shall hold office at the pleasure of the city legislative body.
- The legislative body of each member municipality shall, immediately upon the selection of a member of the Executive Committee of this Division, advise the Division Secretary-Treasurer of the appointment of said representative.

The Executive Committee, led by the Executive Board, guides member cities activities and efforts to improve fellowship and cooperation among member cities and increase the quality, responsiveness and vitality of Central Valley local governments. **It is important that all cities be represented on the Executive Committee and are present at the dinner meeting on Thursday, March 9 in Manteca.**

To expedite Division business at this important committee meeting, each city council should designate a voting representative and an alternate who will be registered with the designated Secretary/Treasurer of the Central Valley Division. It will be the responsibility of the executive committee representative of each member city to act as a conduit for information and decisions made at executive committee meetings, attend quarterly dinners, and otherwise represent the sentiments of their member city.

Please complete and return the enclosed form to the attention of Joann Tilton, Manteca City Clerk, at the earliest possible time **(not later than Friday, March 3, 2006)**, so that proper records may be established for the upcoming meeting and future gatherings.

Your help in returning your city's executive committee member's name and contact information as soon as possible is appreciated. If you have any questions, please call Debbie Olson at (209) 365-1156 or via email at [dolson@cacities.org](mailto:dolson@cacities.org).



## **CVD DIVISION EXECUTIVE COMMITTEE REPRESENTATIVE FORM**

**CITY:** \_\_\_\_\_

### **1. Member City Representative**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

#### **Contact Information**

Address

Phone

Cell:

Email:

### **2. Alternate**

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

#### **Contact Information**

Address

Phone

Cell:

Email:

PLEASE COMPLETE AND RETURN TO:

Central Valley Division

Secretary/Treasurer

Attn: **Joann Tilton, Manteca City Clerk**



**Fax: (209) 825 - 2333**

**Deadline: Friday, March 3, 2006**



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Revised 2005-06 Budget document pages

**MEETING DATE:** March 1, 2006

**PREPARED BY:** James R. Krueger, Deputy City Manager

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**RECOMMENDED ACTION:** That City Council approve Revised 2005-06 Budget document pages

**BACKGROUND INFORMATION:** City Council adopted the 2005-06 Budget in June 2005. The budget document that was prepared to incorporate the approved budget includes a section showing the Changes to fund balances. Within that portion of the budget document are inadvertent mathematical errors. The attached Exhibit A shows the revised amounts that correct the mathematical errors and in addition show the actual Beginning Fund Balance amounts as stated in the Comprehensive Annual Financial Report for June 30, 2005. The pages reflect the corrections for inadvertent mathematical errors on the fund balance pages of the budget document (pages 188-195). These corrections do not change the estimated ending balances, but allow for a correct accounting of all of the elements (beginning balances, net revenues less expenditures and ending balances) comprising the changes in fund balance for all City Funds.

Staff would like to schedule a mid-year budget review for the March 15, 2006 City Council agenda. At that time we will discuss all of the proposed adjustments to budget. At this time we do have the following adjustments, which will be proposed to City Council on March 15, 2006:

- 1) **General Fund-** Total budgeted expenditures should be decreased by \$500,000 from the amount stated in the adopted budget to reflect the reduction in the transfer amount from the Electric Utility Fund for services provided. This budget adjustment will not affect the ending fund balance because there are sufficient cost savings to offset the reduced revenues. The expected ending fund balance will be \$1,507,000 (a slight decrease from the amount in the adopted budget of \$1,565,000).
- 2) **Electric Utility Fund-** Budgeted expenditures should be increased by a net amount of \$543,000 from the amount stated in the adopted budget. This is a netting of three different items, which include an estimated bulk power purchase cost increase of \$2,867,000, a reduction of the transfer to the General Fund of \$500,000 and a reduction in other operating costs of \$1,824,000. The increased revenues from the rate increase approved by City Council in November 2005 will provide approximately \$5,000,000 in additional revenues and the net result is that the Fund Balance is expected to be \$3,340,000 (the ending fund balance in the adopted budget is a deficit of \$2,198,000).

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

- 3) **Water Fund-** Budgeted expenditures should be increased by \$52,800 from the amount stated in the budget to pay for the cost of services transfer from the General Fund Departments (mostly Public Works) that had been originally scheduled to be paid from the Street Fund. This adjustment is a reallocation of the cost of services transfer from the Street Fund to the Water, Wastewater and Capital Outlay funds. This will result in a reduction of the estimated ending fund balance for this fund.
- 4) **Wastewater Fund-** Budgeted expenditures should be increased by \$30,800 to pay for the cost of services transfer from the General Fund Departments (mostly Public Works) that had been originally scheduled to be paid from the Street Fund. This adjustment is a reallocation of the cost of services transfer from the Street Fund to the Water, Wastewater and Capital Outlay funds. This will result in a reduction of the estimated ending fund balance for this fund.
- 5) **Capital Outlay Fund-** Budgeted expenditures should be increased by \$139,100 to pay for the cost of services transfer from the General Fund Departments (mostly Public Works) that had been originally scheduled to be paid from the Street Fund. This adjustment is a reallocation of the cost of services transfer from the Street Fund to the Water, Wastewater and Capital Outlay funds. This will result in a reduction of the estimated ending fund balance for this fund.
- 6) **Street Fund-** Budgeted expenditures should be decreased by \$222,700 to reflect the relocation of the cost of services transfers to the Water, Wastewater and Capital Outlay funds. This will result in an increase in the estimated ending fund balance for this fund.

The analysis and resulting resolution to be presented on March 1 will include other funds and budget items as well as the above. In addition to the correction of the mathematical errors, another column has been added to show the effect of the budget adjustments as per above and to show the actual fund balances from the City of Lodi Comprehensive Annual Financial Report for June 30, 2005.

**FISCAL IMPACT:** The fiscal effect of the adjustments is incorporated within the explanations above.

**FUNDING:** None required.

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James R. Krueger, Deputy City Manager

## EXHIBIT A

## Budget and Financial Plan 2005-06

## Changes In Fund Balance-REVISED 2-15-06

Fund	Account	2002-03 Actual	2003-04 Actual
General	Beginning Fund Balance Unreserved	2,133,755	639,652
	Beginning Fund Balance (Reserved/Designated)		292,350
	Revenues	34,622,979	36,022,164
	Expenditures	(36,171,174)	(36,360,624)
	Year-end Audit Adjustments/Other	346,442	229,940
	Net Difference	(1,201,753)	(108,520)
Fund Balances (Net Assets) for 6/30/03 & 6/30/04 Stated on GAAP BASIS	Ending Fund Balance (Reserved/Designated)	292,350	666,832
	Ending Fund Balance Unreserved	639,652	156,650
Electric	Beginning Fund Balance (Cash) Unreserved	2,423,175	771,588
	Beginning Fund Balance (Reserved/Designated)		
	Revenues	55,847,482	56,347,148
	Expenditures	(56,378,751)	(58,081,094)
	Year-end Audit Adjustments/Other	(1,120,318)	7,309,445
	Net Difference	(1,651,587)	5,575,499
Fund Balance is not stated in accordance with GAAP, which would be on a net asset basis rather than on a cash basis	Ending Fund Balance (Reserved/Designated)		
	Ending Fund Balance (Cash) Unreserved	771,588	6,347,087
Wastewater	Beginning Fund Balance (Cash) Unreserved	0	769,770
	Beginning Fund Balance (Reserved/Designated)		
	Revenues	7,516,956	7,273,756
	Expenditures	(6,534,310)	(13,528,529)
	Year-end Audit Adjustments/Other	(212,876)	10,053,928
	Net Difference	769,770	3,799,155
Fund Balance is not stated in accordance with GAAP, which would be on a net asset basis rather than on a cash basis	Ending Fund Balance (Reserved/Designated)		
	Ending Fund Balance (Cash) Unreserved	769,770	4,568,925
Water	Beginning Fund Balance (Cash) Unreserved	133,848	292,301
	Beginning Fund Balance (Reserved/Designated)		
	Revenues	9,147,257	7,436,511
	Expenditures	(10,604,441)	(7,658,574)
	Year-end Audit Adjustments/Other	1,615,637	1,371,993
	Net Difference	158,453	1,149,930
Fund Balance is not stated in accordance with GAAP, which would be on a net asset basis rather than on a cash basis	Ending Fund Balance (Reserved/Designated)		
	Ending Fund Balance (Cash) Unreserved	292,301	1,442,231

**EXHIBIT A**

**Budget and Financial Plan 2005-06**  
**Changes In Fund Balance-REVISED 2-15-06**

**Updated with  
Actual  
Beginning  
Balances**

<b>Fund</b>	<b>Account</b>	<b>2004-05 Budget</b>	<b>2005-06 Budget</b>	<b>2005-06 Budget</b>
<b>General</b>	<b>Beginning Fund Balance Unreserved</b>	1,771,903	1,565,087	1,506,926
	<b>Beginning Fund Balance (Reserved/Designated)</b>		353,578	488,246
	Revenues	38,312,734	43,824,372	43,824,372
	Expenditures	(39,338,957)	(43,824,372)	(43,824,372)
	Year-end Audit Adjustments/Other	1,444,340	0	0
	<b>Net Difference</b>	418,117	0	0
	<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>		353,578	488,246
	<b>Ending Fund Balance (Reserved/Designated)</b>		353,578	488,246
	<b>Ending Fund Balance Unreserved</b>	2,190,020	1,565,087	1,506,926
<b>Electric</b>	<b>Beginning Fund Balance (Cash) Unreserved</b>	2,721,119	3,698,483	4,896,603
	<b>Beginning Fund Balance (Reserved/Designated)</b>		2,400,000	2,572,434
	Revenues	53,831,275	56,754,253	56,754,253
	Expenditures	(62,283,101)	(65,040,494)	(65,040,494)
	Year-end Audit Adjustments/Other	8,088,756		
	<b>Net Difference</b>	(363,070)	(8,286,241)	(8,286,241)
	<b>Fund Balance is not stated in accordance with GAAP, which would be on a net asset basis rather than on a cash basis</b>			2,572,434
	<b>Ending Fund Balance (Reserved/Designated)</b>			2,572,434
	<b>Ending Fund Balance (Cash) Unreserved</b>	2,358,049	(2,187,758)	(3,389,638)
<b>Wastewater</b>	<b>Beginning Fund Balance (Cash) Unreserved</b>	4,428,215	2,103,679	584,922
	<b>Beginning Fund Balance (Reserved/Designated)</b>		758,660	1,688,947
	Revenues	9,425,360	15,242,150	15,242,150
	Expenditures	(22,196,564)	(17,057,771)	(17,057,771)
	Year-end Audit Adjustments/Other	11,115,564	0	
	<b>Net Difference</b>	(1,655,640)	(1,815,621)	(1,815,621)
	<b>Fund Balance is not stated in accordance with GAAP, which would be on a net asset basis rather than on a cash basis</b>			1,688,947
	<b>Ending Fund Balance (Reserved/Designated)</b>	2,169,850	605,160	1,688,947
	<b>Ending Fund Balance (Cash) Unreserved</b>	602,725	443,538	(1,230,699)
<b>Water</b>	<b>Beginning Fund Balance (Cash) Unreserved</b>	755,740	760,407	1,300,001
	<b>Beginning Fund Balance (Reserved/Designated)</b>		1,196,307	0
	Revenues	8,446,385	8,888,019	8,888,019
	Expenditures	(9,273,895)	(8,068,069)	(8,068,069)
	Year-end Audit Adjustments/Other	81,667		
	<b>Net Difference</b>	(745,843)	819,950	819,950
	<b>Fund Balance is not stated in accordance with GAAP, which would be on a net asset basis rather than on a cash basis</b>			1,165,807
	<b>Ending Fund Balance (Reserved/Designated)</b>		1,165,807	1,165,807
	<b>Ending Fund Balance (Cash) Unreserved</b>	9,397	1,119,947	1,954,234

## EXHIBIT A

## Budget and Financial Plan 2005-06

## Changes In Fund Balance-REVISED 2-15-06

Fund	Account	2002-03 Actual	2003-04 Actual
<b>Library</b>	<b>Beginning Fund Balance Unreserved</b>	527,244	634,706
	Beginning Fund Balance (Reserved/Designated)		
	Revenues	1,487,447	1,567,113
	Expenditures	(1,216,098)	(1,301,598)
	Year-end Audit Adjustments/Other	(163,887)	(270,715)
	<b>Net Difference</b>	107,462	(5,200)
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	Ending Fund Balance (Reserved/Designated)		
	<b>Ending Fund Balance Unreserved</b>	634,706	629,506
<b>Capital Outlay</b>	<b>Beginning Fund Balance Unreserved</b>	19,281,498	6,928,836
	Beginning Fund Balance (Reserved/Designated)		5,244,919
	Revenues	4,904,218	3,803,029
	Expenditures	(13,509,012)	(9,285,877)
	Year-end Audit Adjustments/Other	1,497,051	(575,765)
	<b>Net Difference</b>	(7,107,743)	(6,058,613)
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	Ending Fund Balance (Reserved/Designated)	5,244,919	1,187,448
	<b>Ending Fund Balance Unreserved</b>	6,928,836	4,927,694
<b>Communnity Development New fund created as part of 2005-06 proposed budget</b>	<b>Beginning Fund Balance Unreserved</b>		
	Beginning Fund Balance (Reserved/Designated)		
	Revenues	1,239,699	1,617,041
	Expenditures	(1,447,381)	(1,471,460)
	Year-end Audit Adjustments/Other	207,682	(145,581)
	<b>Net Difference</b>	0	0
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	Ending Fund Balance (Reserved/Designated)		
	<b>Ending Fund Balance Unreserved</b>	0	0
<b>Community Development Block Grant</b>	<b>Beginning Fund Balance Unreserved</b>	0	0
	Beginning Fund Balance (Reserved/Designated)		
	Revenues	849,671	1,077,190
	Expenditures	(849,671)	(815,617)
	Year-end Audit Adjustments/Other	0	(261,573)
	<b>Net Difference</b>	0	0
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	Ending Fund Balance (Reserved/Designated)		
	<b>Ending Fund Balance Unreserved</b>	0	0



**EXHIBIT A**

**Budget and Financial Plan 2005-06**  
**Changes In Fund Balance-REVISED 2-15-06**

**Updated with  
Actual  
Beginning  
Balances**

<b>Fund</b>	<b>Account</b>	<b>2004-05 Budget</b>	<b>2005-06 Budget</b>	<b>2005-06 Budget</b>
<hr/>				
<b>Library</b>	<b>Beginning Fund Balance Unreserved</b>	667,281	757,574	697,158
	<b>Beginning Fund Balance (Reserved/Designated)</b>			0
	Revenues	1,483,695	1,455,565	1,455,565
	Expenditures	(1,484,540)	(1,594,596)	(1,594,596)
	Year-end Audit Adjustments/Other	43,051	0	0
	<b>Net Difference</b>	42,206	(139,031)	(139,031)
<hr/>				
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			
	<b>Ending Fund Balance Unreserved</b>	709,487	618,543	558,127
<hr/>				
<b>Capital Outlay</b>	<b>Beginning Fund Balance Unreserved</b>	12,120,221	3,059,161	5,649,770
	<b>Beginning Fund Balance (Reserved/Designated)</b>		1,679,480	974,842
	Revenues	3,523,880	1,443,568	1,443,568
	Expenditures	(3,408,101)	(1,182,836)	(1,182,836)
	Year-end Audit Adjustments/Other	(671,375)	0	0
	<b>Net Difference</b>	(555,596)	260,732	260,732
<hr/>				
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>	1,679,480	1,679,480	974,842
	<b>Ending Fund Balance Unreserved</b>	9,885,145	3,319,893	5,910,502
<hr/>				
<b>Communnity Development New fund created as part of 2005-06 proposed budget</b>	<b>Beginning Fund Balance Unreserved</b>			
	<b>Beginning Fund Balance (Reserved/Designated)</b>			
	Revenues	1,121,230	1,964,680	1,964,680
	Expenditures	(1,809,713)	(1,964,680)	(1,964,680)
	Year-end Audit Adjustments/Other	688,483	0	0
	<b>Net Difference</b>	0	0	0
<hr/>				
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			
	<b>Ending Fund Balance Unreserved</b>	0	0	0
<hr/>				
<b>Community Development Block Grant</b>	<b>Beginning Fund Balance Unreserved</b>	0	0	0
	<b>Beginning Fund Balance (Reserved/Designated)</b>			
	Revenues	1,089,110	815,000	815,000
	Expenditures	(2,241,573)	(150,000)	(150,000)
	Year-end Audit Adjustments/Other	1,152,463	0	0
	<b>Net Difference</b>	0	665,000	665,000
<hr/>				
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			
	<b>Ending Fund Balance Unreserved</b>	0	665,000	665,000
<hr/>				

**EXHIBIT A**

**Budget and Financial Plan 2005-06**

**Changes In Fund Balance-REVISED 2-15-06**

<b>Fund</b>	<b>Account</b>	<b>2002-03 Actual</b>	<b>2003-04 Actual</b>
<b>Employee Benefits</b>	<b>Beginning Fund Balance Unreserved</b>		
	<b>Beginning Fund Balance (Reserved/Designated)</b>		
	Revenues	4,305,895	4,192,434
	Expenditures	(3,907,191)	(4,491,086)
	Year-end Audit Adjustments/Other	(398,704)	298,652
	<b>Net Difference</b>	<u>0</u>	<u>0</u>
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 are consolidated with all other funds and are not presented in GAAP basis reports</b>	<b>Ending Fund Balance (Reserved/Designated)</b>		
	<b>Ending Fund Balance Unreserved</b>	<u>0</u>	<u>0</u>
<b>Vehicle and Equipment Replacement</b>	<b>Beginning Fund Balance Unreserved</b>	724,862	75,947
	<b>Beginning Fund Balance (Reserved/Designated)</b>		94,074
	Revenues	50,710	44,203
	Expenditures	(605,551)	(172,156)
	Year-end Audit Adjustments/Other	0	330,000
	<b>Net Difference</b>	<u>(554,841)</u>	<u>202,047</u>
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>	94,074	1,284
	<b>Ending Fund Balance Unreserved</b>	<u>75,947</u>	<u>370,784</u>
<b>Self Insurance</b>	<b>Beginning Fund Balance Unreserved</b>	978,977	761,114
	<b>Beginning Fund Balance (Reserved/Designated)</b>		
	Revenues	1,858,019	3,192,065
	Expenditures	(2,194,384)	(2,496,898)
	Year-end Audit Adjustments/Other	118,502	107,701
	<b>Net Difference</b>	<u>(217,863)</u>	<u>802,868</u>
	<b>Ending Fund Balance (Reserved/Designated)</b>		
	<b>Ending Fund Balance Unreserved</b>	<u>761,114</u>	<u>1,563,982</u>
<b>Public Safety Special Revenue</b>	<b>Beginning Fund Balance Unreserved</b>	368,890	388,567
	<b>Beginning Fund Balance (Reserved/Designated)</b>		
	Revenues	370,143	198,537
	Expenditures	(360,358)	(227,304)
	Year-end Audit Adjustments/Other	9,892	0
	<b>Net Difference</b>	<u>19,677</u>	<u>(38,767)</u>
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>		
	<b>Ending Fund Balance Unreserved</b>	<u>388,567</u>	<u>349,800</u>
<b>Streets</b>	<b>Beginning Fund Balance Unreserved</b>	2,430,962	1,927,136
	<b>Beginning Fund Balance (Reserved/Designated)</b>		1,084,660
	Revenues	4,869,205	5,063,653
	Expenditures	(4,384,267)	(5,447,143)
	Year-end Audit Adjustments/Other	95,896	91,667
	<b>Net Difference</b>	<u>580,834</u>	<u>(291,823)</u>
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>	1,084,660	2,558,847
	<b>Ending Fund Balance Unreserved</b>	<u>1,927,136</u>	<u>161,126</u>

**EXHIBIT A**

**Budget and Financial Plan 2005-06**  
**Changes In Fund Balance-REVISED 2-15-06**

**Updated with  
Actual  
Beginning  
Balances**

<b>Fund</b>	<b>Account</b>	<b>2004-05 Budget</b>	<b>2005-06 Budget</b>	<b>2005-06 Budget</b>
<b>Employee Benefits</b>	<b>Beginning Fund Balance Unreserved</b>	(127,313)	0	0
	<b>Beginning Fund Balance (Reserved/Designated)</b>			
	Revenues	5,286,463	6,241,794	6,241,794
	Expenditures	(5,159,150)	(5,993,099)	(5,993,099)
	Year-end Audit Adjustments/Other	0		
	<b>Net Difference</b>	127,313	248,695	248,695
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 are consolidated with all other funds and are not presented in GAAP basis reports</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			
	<b>Ending Fund Balance Unreserved</b>	0	248,695	248,695
<b>Vehicle and Equipment Replacement</b>	<b>Beginning Fund Balance Unreserved</b>	220,637	50,000	150,175
	<b>Beginning Fund Balance (Reserved/Designated)</b>			2,141
	Revenues	375,000	193,500	193,500
	Expenditures	(376,614)	(145,000)	(145,000)
	Year-end Audit Adjustments/Other	21,114	0	0
	<b>Net Difference</b>	19,500	48,500	48,500
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			2,141
	<b>Ending Fund Balance Unreserved</b>	240,137	98,500	198,675
<b>Self Insurance</b>	<b>Beginning Fund Balance Unreserved</b>			0
	<b>Beginning Fund Balance (Reserved/Designated)</b>	1,565,784	2,920,165	3,261,419
	Revenues	2,781,480	2,565,905	2,565,905
	Expenditures	(2,732,000)	(2,921,137)	(2,921,137)
	Year-end Audit Adjustments/Other	0	0	0
	<b>Net Difference</b>	49,480	(355,232)	(355,232)
	<b>Ending Fund Balance (Reserved/Designated)</b>	1,615,264	2,564,933	2,906,187
	<b>Ending Fund Balance Unreserved</b>	0	0	0
<b>Public Safety Special Revenue</b>	<b>Beginning Fund Balance Unreserved</b>	388,566	276,876	283,516
	<b>Beginning Fund Balance (Reserved/Designated)</b>			
	Revenues			
	Expenditures			
	Year-end Audit Adjustments/Other	(388,566)	(276,876)	(276,876)
	<b>Net Difference</b>	(388,566)	(276,876)	(276,876)
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			
	<b>Ending Fund Balance Unreserved</b>	0	0	6,640
<b>Streets</b>	<b>Beginning Fund Balance Unreserved</b>	2,576,187	3,712,746	1,009,182
	<b>Beginning Fund Balance (Reserved/Designated)</b>			3,965,554
	Revenues	10,723,155	8,087,000	8,087,000
	Expenditures	(14,267,002)	(5,545,036)	(5,545,036)
	Year-end Audit Adjustments/Other	3,058,845	0	0
	<b>Net Difference</b>	(485,002)	2,541,964	2,541,964
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			3,965,554
	<b>Ending Fund Balance Unreserved</b>	2,091,185	6,254,710	3,551,146

**EXHIBIT A**

**Budget and Financial Plan 2005-06**

**Changes In Fund Balance-REVISED 2-15-06**

<b>Fund</b>	<b>Account</b>	<b>2002-03 Actual</b>	<b>2003-04 Actual</b>
<hr/>			
<b>Transit</b>	<b>Beginning Fund Balance (Cash) Unreserved</b>	0	0
	<b>Beginning Fund Balance (Reserved/Designated)</b>		
	Revenues	3,866,006	4,176,016
	Expenditures	(7,565,346)	(4,001,583)
	Year-end Audit Adjustments/Other	3,699,340	(174,433)
	<b>Net Difference</b>	0	0
<b>Fund Balance is not stated in accordance with GAAP, which would be on a net asset basis rather than on a cash basis</b>	<b>Ending Fund Balance (Reserved/Designated)</b>		
	<b>Ending Fund Balance (Cash) Unreserved</b>	0	0
<hr/>			
<b>Transportation Development Act</b>	<b>Beginning Fund Balance Unreserved</b>	372,897	6,384
	<b>Beginning Fund Balance (Reserved/Designated)</b>		
	Revenues	38,911	39,865
	Expenditures	(405,424)	(6,451)
	Year-end Audit Adjustments/Other	0	0
	<b>Net Difference</b>	(366,513)	33,414
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>		
	<b>Ending Fund Balance Unreserved</b>	6,384	39,798
<hr/>			
<b>Trust and Agency</b>	<b>Beginning Fund Balance Unreserved</b>	1,061,574	628,840
	<b>Beginning Fund Balance (Reserved/Designated)</b>		545,772
	Revenues	210,579	239,664
	Expenditures	(274,770)	(388,610)
	Year-end Audit Adjustments/Other	177,229	(123,347)
	<b>Net Difference</b>	113,038	(272,293)
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>	545,772	557,866
	<b>Ending Fund Balance Unreserved</b>	628,840	344,453
<hr/>			
<b>Debt Service</b>	<b>Beginning Fund Balance Unreserved</b>		
	<b>Beginning Fund Balance (Reserved/Designated)</b>		
	Revenues	1,950,040	1,775,837
	Expenditures	(1,950,040)	(1,775,837)
	Year-end Audit Adjustments/Other	0	0
	<b>Net Difference</b>	0	0
	<b>Ending Fund Balance (Reserved/Designated)</b>		
	<b>Ending Fund Balance Unreserved</b>	0	0
<hr/>			
<b>Total all Revenues</b>			
<b>Total all Expenditures</b>			
<b>Net Difference</b>			

**EXHIBIT A**

**Budget and Financial Plan 2005-06**

**Changes In Fund Balance-REVISED 2-15-06**

**Updated with  
Actual  
Beginning  
Balances**

<b>Fund</b>	<b>Account</b>	<b>2004-05 Budget</b>	<b>2005-06 Budget</b>	<b>2005-06 Budget</b>
<b>Transit</b>				
	<b>Beginning Fund Balance (Cash) Unreserved</b>	<b>(109,625)</b>	<b>0</b>	<b>230,355</b>
	<b>Beginning Fund Balance (Reserved/Designated)</b>			<b>0</b>
	Revenues	3,270,169	3,880,360	3,880,360
	Expenditures	(3,340,625)	(3,873,892)	(3,873,892)
	Year-end Audit Adjustments/Other	180,081		
	<b>Net Difference</b>	<b>109,625</b>	<b>6,468</b>	<b>6,468</b>
<b>Fund Balance is not stated in accordance with GAAP, which would be on a net asset basis rather than on a cash basis</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			
	<b>Ending Fund Balance (Cash) Unreserved</b>	<b>0</b>	<b>6,468</b>	<b>236,823</b>
<b>Transportation Development Act</b>				
	<b>Beginning Fund Balance Unreserved</b>	<b>187,390</b>	<b>35,399</b>	<b>107,229</b>
	<b>Beginning Fund Balance (Reserved/Designated)</b>			<b>1,680</b>
	Revenues	39,367	39,900	39,900
	Expenditures	(66,156)	0	0
	Year-end Audit Adjustments/Other	26,789	0	0
	<b>Net Difference</b>	<b>0</b>	<b>39,900</b>	<b>39,900</b>
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			<b>1,680</b>
	<b>Ending Fund Balance Unreserved</b>	<b>187,390</b>	<b>75,299</b>	<b>147,129</b>
<b>Trust and Agency</b>				
	<b>Beginning Fund Balance Unreserved</b>	<b>937,372</b>	<b>350,000</b>	<b>448,588</b>
	<b>Beginning Fund Balance (Reserved/Designated)</b>		<b>550,000</b>	<b>694,327</b>
	Revenues	231,784	331,086	331,086
	Expenditures	(196,005)	0	0
	Year-end Audit Adjustments/Other	(64,784)		
	<b>Net Difference</b>	<b>(29,005)</b>	<b>331,086</b>	<b>331,086</b>
<b>Fund Balances (Net Assets) for 6/30/03 &amp; 6/30/04 Stated on GAAP BASIS</b>	<b>Ending Fund Balance (Reserved/Designated)</b>			<b>694,327</b>
	<b>Ending Fund Balance Unreserved</b>	<b>908,367</b>	<b>1,231,086</b>	<b>779,674</b>
<b>Debt Service</b>				
	<b>Beginning Fund Balance Unreserved</b>			
	<b>Beginning Fund Balance (Reserved/Designated)</b>			
	Revenues	1,776,094	1,772,478	1,772,478
	Expenditures	(1,776,094)	(1,772,478)	(1,772,478)
	Year-end Audit Adjustments/Other	0		
	<b>Net Difference</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Ending Fund Balance (Reserved/Designated)</b>			
	<b>Ending Fund Balance Unreserved</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>				
	<b>Total all Revenues</b>		<b>153,499,630</b>	<b>153,499,630</b>
	<b>Total all Expenditures</b>		<b>(159,133,460)</b>	<b>(159,133,460)</b>
	<b>Net Difference</b>		<b>(5,633,830)</b>	<b>(5,633,830)</b>



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Review Analysis of Financial Challenges in Providing Local Services

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Management Analyst, City Manager's Office

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**RECOMMENDED ACTION:** Review "white paper" analysis of financial challenges in providing local services.

**BACKGROUND INFORMATION:** Staff has prepared a report to provide background and context for a proposed ongoing dialogue regarding the City's fiscal condition. The preparation of this report began partly in response to a Council request to consider a City Council sponsored sales tax measure to fund Public Safety and a Greenbelt Separator. The direct response of this request will be before the Council on March 29, 2006. It is not included in this staff report.

This report by staff shows clearly that the City of Lodi faces continuing and significant challenges in providing services at the same level with diminishing resources. With the passage of various tax measures, there has been a shift from local control to State control of resources used to fund local services. For example, last year the State shifted \$2.1 million (through the Educational Revenue Augmentation Fund) from the City to the State. While staffing levels have not kept pace with the City's population growth, the gap between revenues and expenses widens, making it increasingly difficult to maintain current service levels. Since fiscal year 2002-03, the combined sales and property tax revenues have not covered the cost of Public Safety. In addition, these levels of service should not be considered acceptable for future planning purposes.

Also considered in this report are the long-term financial implications of deferred maintenance. Postponing routine maintenance may provide short-term budget savings, but as demonstrated, the eventual consequence is often a more costly repair or premature replacement. An argument and estimates for an annual set-aside for capital replacement is also presented.

These challenges as presented in the attached report will be presented by staff in a PowerPoint presentation to Council on March 1, 2006.

**FISCAL IMPACT:** Information only. No revenue enhancements are proposed.

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Janet L. Hamilton  
Management Analyst

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

# FINANCIAL CHALLENGES IN PROVIDING LOCAL SERVICES



PREPARED FOR  
THE LODI CITY COUNCIL

MARCH 1, 2006

## HISTORY

Shifts in fiscal relationships in California have affected the delivery of services that local governments provide to its citizens. Local governments (cities and counties) are responsible for the provision of direct and essential services such as police and fire, street maintenance, water delivery and disposal, flood control, and more. While the cost of providing these services increases, the agencies responsible for their delivery face increasing challenges in their efforts to identify stable funding sources.

In 1978 California voters passed Proposition 13, which cut property taxes by about 50%. As an unintentional consequence of Proposition 13, the measure gave the State government the power to allocate the remaining property tax revenues between the State and local government. Property taxes had been the primary source of local government revenue as rates were subject to adjustments by the agencies for local needs.

Proposition 98 mandated that the State maintain a minimum funding level for education. The State chose to meet its obligation to fund education through the Educational Revenue Augmentation Fund (ERAF) property tax shift that transferred revenues from cities, counties, and special districts to schools. The ERAF transfer in Lodi accounts for a \$17.5 million loss in revenue over the past 11 years (*table 1*).

The institution of ERAF has taken significant amounts of discretionary funds from counties, cities, and special districts. Meanwhile the State institutions continue to grow. While the State has provided some mitigation funds, they are earmarked for special purposes. This negatively affects the bottom line, since local governments are constrained in their choice of how to spend this money, resulting in a less than dollar-for-dollar return of shifted ERAF funds.



Amounts Deposited into the Educational Revenue Augmentation Fund by City of Lodi		
<b>Fiscal Year</b>	<b><u>Funds Shifted to Schools</u></b> <b><u>From City of Lodi</u></b>	<b><u>Funds Allocated Back to City of Lodi</u></b> <b><u>by AB 1661 and subsequent legislation</u></b> (ERAF Backfill)
	<b>Amount</b>	
1993-94	1,134,344.77	
1994-95	1,139,231.85	
1995-96	1,177,282.54	
1996-97	1,200,884.00	
1997-98	1,249,092.00	
1998-99	1,288,992.00	
1999-2000	1,361,627.00	153,274.79
2000-2001	1,466,249.00	204,855.85
2001-2002	1,609,005.00	
2002-2003	1,778,116.00	
2003-2004	1,944,104.00	
2004-2005	2,171,014.00	
	17,519,942.16	358,130.64

Source: San Joaquin County Auditor-Controller

Table 1

## UNFUNDED MANDATES

It may be tempting to look to past practices in order to benchmark costs and service levels but the existence of many unfunded mandates as a result of legislation and regulation make any comparison irrelevant. Most of this legislation is crafted in response to citizen demand or as a tool to protect the well-being of those citizens. While well-intentioned, the requirement to implement these standards without designating funds forces local government to re-prioritize and, at times, neglect other responsibilities.

Examples of such mandates include the Hayden Act which extends the holding time of shelter animals from three to five days. The Act, however, does not provide the funding needed for the additional food or space required for the extension.

The NPDES (National Pollutant Discharge Elimination System) permit requirements for general wastewater and stormwater discharge have further diverted resources without a mechanism for reimbursement. The program dictates an aggressive and expensive effort to reduce the amount of contaminants discharged to the waterways. It also calls for additional reports,

procedures and staff certification requirements and associated training and continuing education at the local level. Measures to keep our waterways free of pollutants are necessary and politically popular, but no additional funds have been provided to local governments in order to fulfill the requirements. Failure to abide by the legislation governing the program can result in exorbitant fines. Those fines could be levied by multiple agencies concurrently--\$36,000 per day, per occurrence by the EPA and \$10,000 by the State.

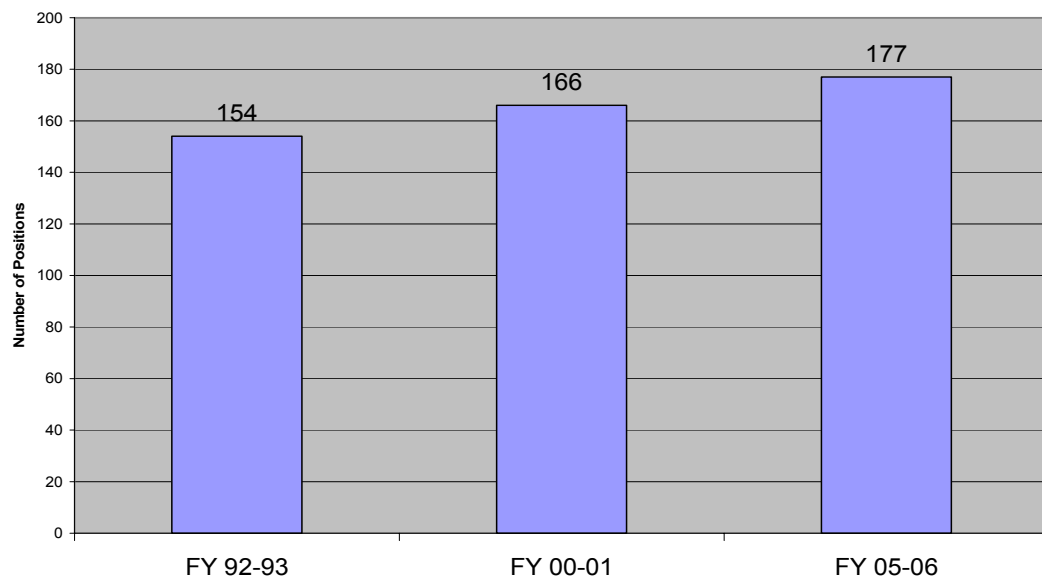
Requirements such as Harassment Awareness Training for employees, changes in street sign standards, ADA (Americans with Disabilities Act), underground tank, playground safety, and employee drug testing regulations are worthy efforts to improve service levels and overall quality of life, but they increase the burden put on limited financial resources. State-wide, police departments are mandated to provide programs such as the protocol for hearing citizen complaints, Bureau of Criminal Statistics reports on crime statistics, and DUI (Driving Under the Influence) arrests. The Lodi Police Department estimates these costs to be \$40,000 annually in staff time alone. Local governments thus feel strapped for cash and caught between providing essential services to citizens and funding mandated programs.

## **STATUS OF LOCAL SERVICE LEVELS**

In a recent survey, Lodi citizens consistently rated Public Safety services a top priority and City leaders have responded by retaining staffing levels among the employees that provide those services (*Chart 1*). However, pursuant to Chiefs Adams and Pretz of the Lodi Police and Fire Departments, current staffing levels still do not adequately meet the needs of the City's increased population. Although maintained at higher numbers than other general fund employees, public safety staff has proportionately decreased in relation to the overall population (*Chart 4*). Despite this relative reduction, the cost of providing Public Safety services continues to consume an ever-increasing percentage of the General Fund budget. Total costs for these services now exceed revenues from both property and sales taxes combined (*Chart 2*). This in no way reflects upon

the admirable efforts of staff to keep costs in check. According to the Lodi Police Department, out of an operating budget of approximately \$13 million, only about \$400,000 is appropriated for supplies. The remainder is devoted to maintaining staff levels to ensure the public safety coverage citizens desire.

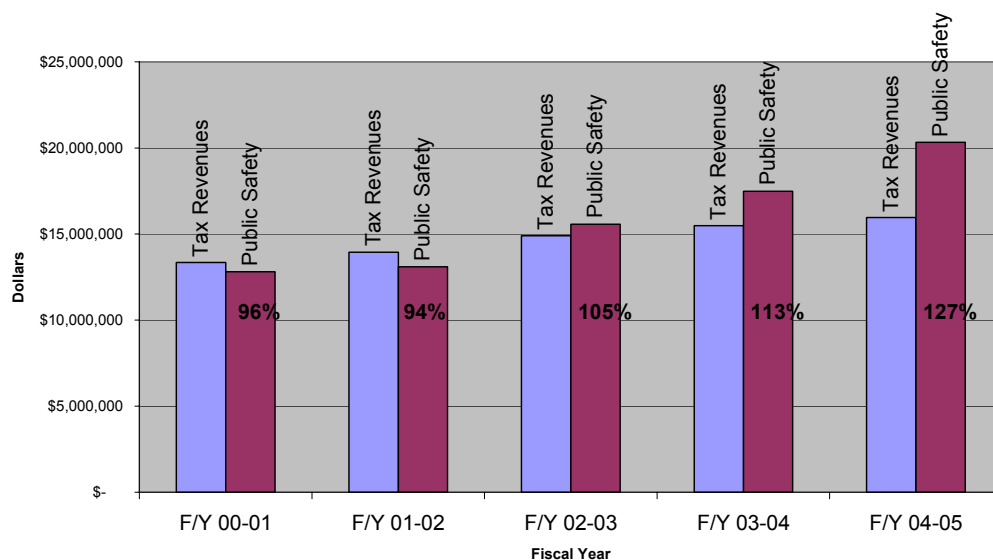
**Number of Public Safety Positions**



Source: City of Lodi CAFRs and Human Resources Department

Chart 1

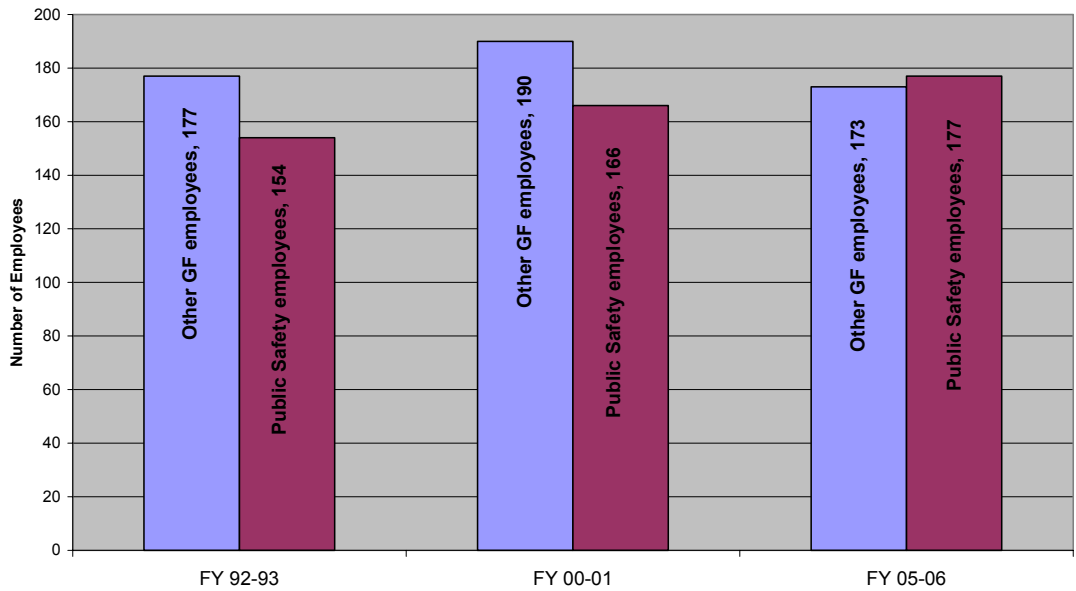
**Public Safety Costs as a Percentage of Property/Sales Tax Revenues**



Source: City of Lodi CAFR

Chart 2

### Staffing Level History



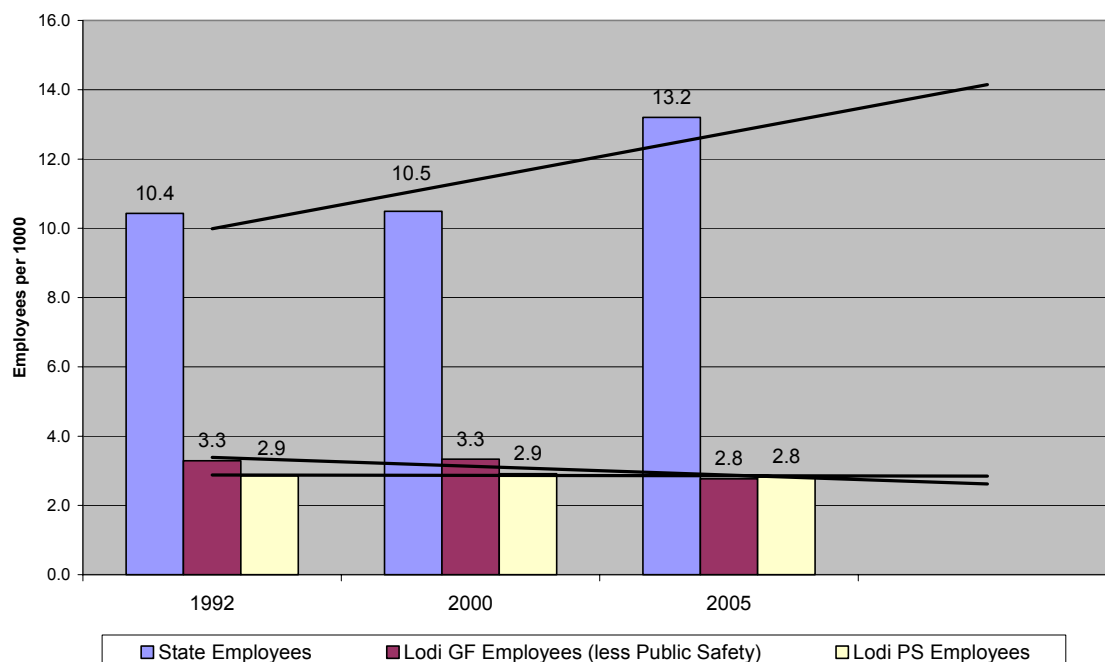
Source: City of Lodi CAFRs and Budget Documents

Chart 3

Lodi remains a safe, well-maintained community and residents have come to expect that level of service. Currently, City full-time General Fund (not including Public Safety) staffing levels are at 173—four less than recorded in the 1992-93 budget year (*chart 3*).

The same number of employees serves a population that has increased by 16%—maintaining 41 more streets than it did 10 years ago. Similarly, there are more parks, other facilities, and buses—offering more services overall. In contrast, while the employees serving 1,000 residents in the City of Lodi decreased from 6.2 in the year 2000 to a current 5.6, the ratio for State of California employees increased from 10.4 to 13.2 (*Chart 4*).

## Employees per Capita



Source: City of Lodi CAFRs and Budget Documents, US Census website

Chart 4

## DEFERRED MAINTENANCE and FIXED ASSET REPLACEMENT

When faced with budget deficits, a common short-term solution is to defer routine maintenance or not budget for replacement costs. This approach may temporarily reduce expenses, but in many cases, the aggregate of repair or premature replacement costs exceeds the amount saved by this deferral.

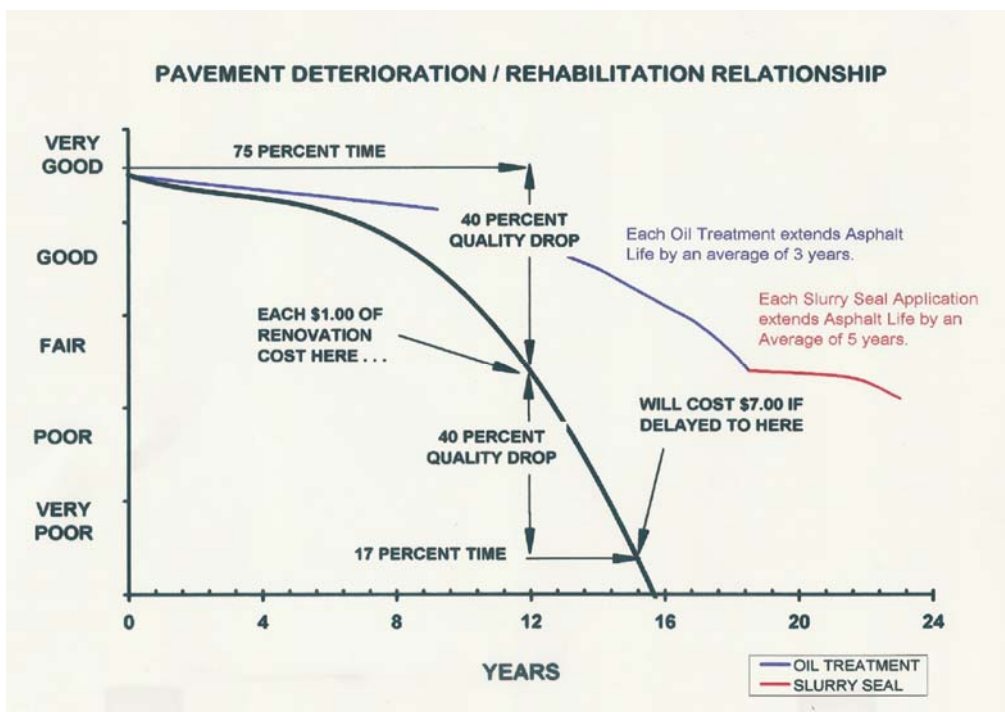
As noted by League of California Cities President Alex Padilla in the February 2006 edition of Western Cities Magazine:

*“Years of under-funded maintenance work – in part resulting from the \$6 billion, multi-year state take-away of local funds through the ERAF property tax shift – left many cities with insufficient revenues to pay for even routine maintenance projects. The consequences of years of deferred street and road maintenance are most evident in older cities. But even newer communities are challenged to find the funds necessary to keep up with the demands of a growing*

population for streets, parks, libraries, flood control, water delivery and other essential infrastructure.

Our residents see this problem every day, and their frustration with inadequate infrastructure undermines our ability to build new housing the state so urgently needs. When current residents are already living with potholes in the roads and poorly maintained parks, they have every reason to oppose new housing that would increase traffic or overcrowd a park.”

Street maintenance is one area that the increased cost of deferred maintenance can be illustrated. The following graphics (Charts 5 & 6) provided by the City of Lodi’s Streets Division show how various maintenance strategies can extend the life of a city street.

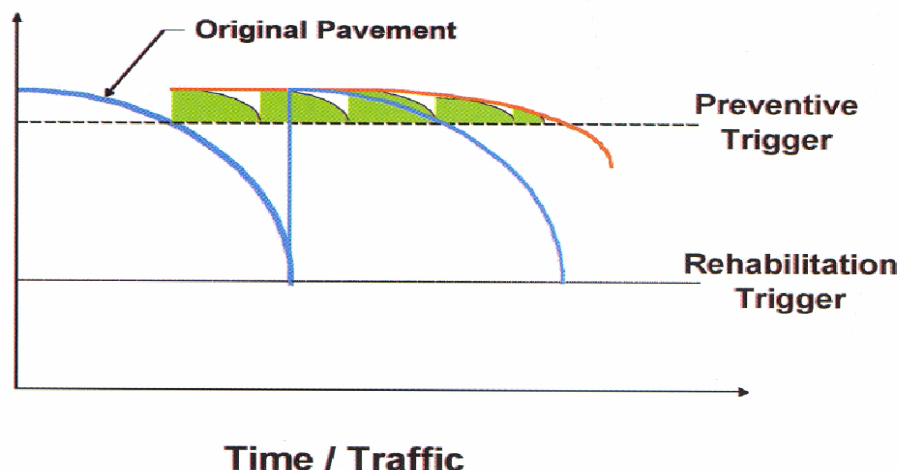


Source: City of Lodi Public Works Department

Chart 5

## PAVEMENT PRESERVATION CONCEPT

The pavement preservation concept is that an agency can apply a relatively low cost treatment to a pavement surface while it is still “good.” After treatment, the pavement will be improved and its life extended for some period of time. Pavement preservation requires a commitment by the agency to apply the preservation activities before significant pavement failure occurs.



Source: City of Lodi Public Works Department

Chart 6

The estimated cost to maintain pavement in order to maximize its life cycle is \$1.01 per square yard per year. Total area for the City of Lodi streets currently stands at 4,319,700 square yards, requiring \$4.36 million in labor and materials annually for proper maintenance. In order to achieve optimal maintenance levels, the amount allocated in the 2005-06 Streets Division operating and capital budgets of \$2.56 million would need to increase by \$1.8 million. Unfortunately, due to unfunded mandates, increased expenses for public safety, and slow revenue growth, the budget reductions in recent years have had a negative impact on the PCI (Pavement Condition Index) of the City's streets<sup>1</sup>.

The practice of deferring maintenance for short-term savings will eventually lead to higher replacement costs in other City departments as well. Lodi Parks and Recreation Department staff has provided estimates that an additional \$1.86 million is needed in order to adequately maintain parks and facilities. Public Works Maintenance and Facilities staff (responsible for facilities

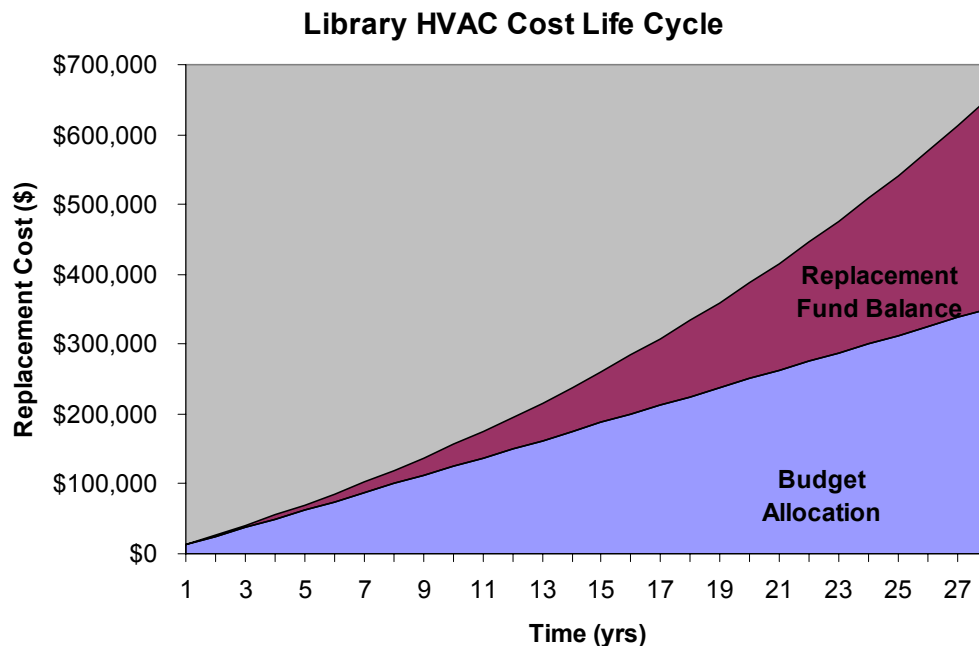
<sup>1</sup> The PCI is a measurement of pavement grade or condition and ranges from zero (worst) to 100 (best). An optimal PCI is in the low to mid 80s. At a PCI of 60, pavement begins to deteriorate at a rate several times faster than a PCI above this mark. The overall condition of streets has been measurably compromised, with the PCI dropping from 79/100 10 years ago to a current 66/100.

not maintained by Parks and Recreation or Hutchins Street Square) recommends an additional \$1 million be appropriated to adequately maintain facilities. This would mean total additional costs to achieve preferred maintenance levels would be \$2.86 million.

A formula for the replacement of the City's inventory of fixed assets such as City Hall, the fire stations, Grape Bowl, and parks could also be devised. As facilities age, funds could be designated for their eventual replacement. While the Police Station, Hutchins Street Square, and Fire Station #4 are relatively new and replacement is not of immediate concern, the Grape Bowl and Fire Station #2 should be replaced, yet funds for the projects have not been identified. The Parks and Recreation Department recommends setting aside \$1.8 million for the replacement of parks, facilities, and the equipment to maintain those assets. Public Works staff recommends an annual appropriation of \$2.5 million for the replacement of all other facilities (excluding Hutchins Street Square and the White Slough Water Treatment plant). While ideal, the ability of the City to set aside \$4.3 million annually for replacement of facilities in addition to the \$2.86 million for maintenance is unrealistic. A more reasonable goal for an annual replacement set-aside is \$2.1 million.

The advantage of establishing an annual set-aside (asset replacement sinking fund) is illustrated with the pending purchase of a new HVAC system for the Lodi Public Library. The aggregate estimated set-aside that would be needed to replace the HVAC system cost amounts to \$350,227 versus the replacement cost today of \$650,000. This is based on \$12,508 invested annually for 27 years at a 4% return on investment. The balance would have been earned with compounded interest earnings (*Chart 7*).





Source: Lodi Public Works Department, Facilities and Maintenance

Chart 7

## OPERATIONAL REPLACEMENT COSTS

Included in the operational costs are the tools used to deliver services. While the fleet inventory has increased, the funds available for replacement have decreased. \$107,500 was budgeted for the replacement program for fiscal year 2005-06. This amount was reduced from previous allocations of between \$300,000 and \$600,000 in an effort to balance the budget. The furniture for the new Public Safety building was included in the capital cost of the project, as were those of the Community Center (Hutchins Street Square) or the Carnegie Forum remodel. Replacement of those furnishings, however, has not been considered and will need to be addressed in the annual budget process for those individual departments.

## GENERAL FUND STATUS

The General Fund provides for the discretionary (non-mandated) services the City provides. Among those vital services are police and fire protection and street, park, and facilities maintenance and improvements. In order to adequately fund these services, the City of Lodi needs to ensure a stable flow of

revenue into the General Fund. It is estimated that a \$6,000,000 undesignated minimum reserve is needed. The reserve on June 30, 2005 was \$1.5 million. This reserve is an improvement over Fiscal Year 2003-04 when the reserve was \$156,650. The reserve has been increased by reducing service levels and leaving 29 positions vacant.

## HOW OTHER CITIES HAVE ADDRESSED SHORTFALLS

Cities are relying more heavily on transaction (sales) and use taxes to fill the ever-increasing disparity between the cost of services and revenues. The City of Lodi currently receives 29% of its General Fund revenues from transaction and use taxes. This discretionary tax has come to provide significant amounts of local revenues. Many agencies have responded by placing local transaction and use tax proposals before voters.

A state-wide Transaction and Use tax has been in place since 1933 and currently stands at 7.25% comprised of the following components:

Rate	Jurisdiction
4.75%	State (General Fund)
0.25%	State (Fiscal Recovery Plan)
0.50%	State (Local Revenue Fund)
0.25%	State (General Fund)
0.50%	State (Local Public Safety Fund)
1.00%	Local (County/City) 0.25% County transportation fund 0.75% City and County operations
7.25%	Total

Table 2

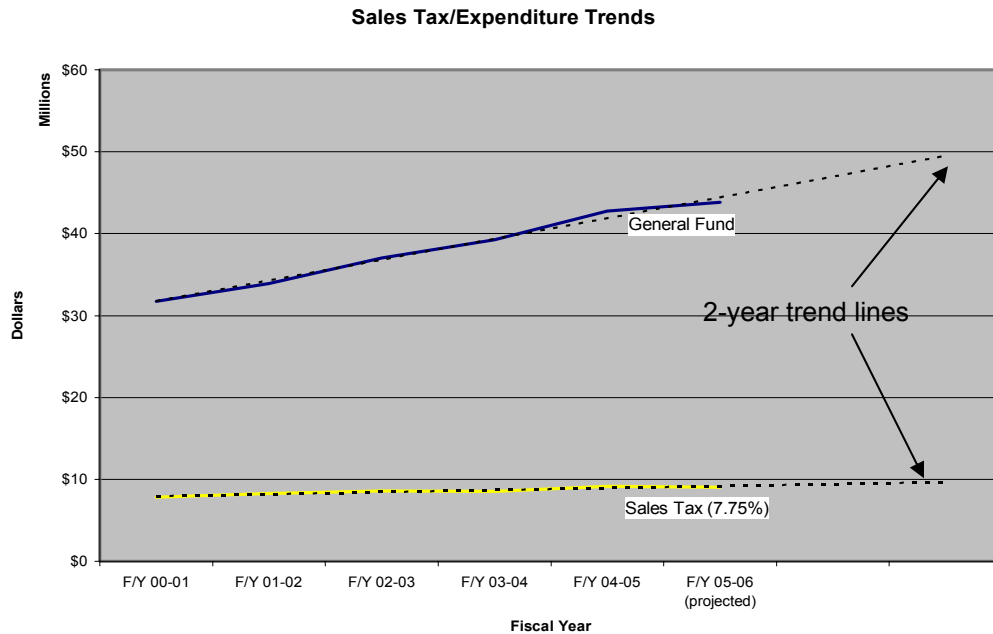
Many local jurisdictions impose additional taxes for specific purposes. San Joaquin County has been collecting an additional .5% for the San Joaquin Transportation Authority since 1991.

California cities have increasingly gone to the voters asking for approval of measures to increase sales tax or other revenues in order to maintain service levels. During the 2005 November elections, the cities of Delano, San Rafael, Merced, Salinas, Scotts Valley, Waterford, and Tulare won approval for a half cent sales tax increase through general tax measures. Dinuba and Porterville proposed and won special sales tax measures specifically earmarked for police and fire services. Stockton voters approved Measure W, which designates the full quarter cent increase to fund public safety services. A specific spending plan that calculated all associated costs was presented to citizens. The plan provided for the fully loaded (salary plus benefits) cost of a specific number of personnel, their vehicles, and related safety equipment. This detailed information and aggressive communication efforts gave voters the assurance that the funds would be used as presented and the confidence to support the measure.

## **OPTIONS FOR LODI**

There are several options available to the City to resolve these shortfalls and provide support for vital City services. Various options for such a measure are available for consideration—Transaction (sales) and Use Taxes, both general and special, Transient Occupancy (hotel/motel), Utility User, and Municipal Service (parcel) taxes and bonds. Parcel taxes, special taxes, and non-school bonds require 2/3 voter approval. Revenues generated from the Transaction and Use or TOT tax may be classified as either special or general. General tax measures require only majority voter approval.

Over the past five years, the City of Lodi's General Fund expenses have increased by \$12,043,925 (27%) while sales tax revenues in Lodi have increased by \$1,205,201 (13%) (*Chart 8*).



Source: Source: City of Lodi CAFRs and Budget Documents

Chart 8

A measure to increase sales tax by .25% could provide a minimum of \$2.3 million annually in additional revenues if the current number of retail establishments remains stable. Growth in the number of businesses contributing to the base as well as an increase in sales volumes would drive the value of this revenue source higher yet.

Lodi's current Transient Occupancy Tax (TOT) rate is close to 4% lower than the 10% state average. An increase of 3% in that rate would generate an estimated \$176,000 in additional revenues annually, based on current room rates and volume. An increase in the TOT is more acceptable to local voters since it is imposed not on residents but as customers of local hotels and motels. According to PKF Consulting Vice President Ken Kuchman, hotel/motel customers do not base their choice of lodging on the TOT rate, but on the daily room rate. With the increased focus on tourism and the potential for additional hotel rooms, a measure to increase the TOT rate is an option to reconsider.

The Utility User Tax (UUT) may be imposed by a city on the consumption of utility services, including (but not limited to) electricity, gas, water, sewer, telephone, sanitation and cable television. The rate of the tax and the use of its

revenues are determined by the local agency. A UUT may be imposed as a special tax, earmarked for a specific purpose, or a general tax to be used for a variety of municipal service needs at the discretion of the city council. The tax is levied by the city, collected by the utility as a part of its regular billing procedure, and then remitted to the city.

Throughout California, the Utility Users Tax (UUT) is vital to funding essential municipal services. In some cities different rates apply to residential than to commercial users. The average rate is 6% and may be applied to a variety of utilities. Because most large cities have UUTs, the majority of California residents (over 54%) and businesses pay a Utility User Tax. On average, the UUT provides 15% of general purpose revenue in cities that collect it. In some cities, the UUT provides as much as 1/3 of the general fund. UUT revenues most commonly fund police, fire, parks, library, and long-range land use planning services, and related support services.<sup>2</sup>

In many cities, the UUTs are the result of cuts in property tax revenues, a top source of general purpose revenues. Cities responded by cutting services, deferring infrastructure maintenance, relying more heavily on debt financing, paring down reserves, more aggressively pursuing sales tax generators, and raising taxes and assessments. Within a few years of the beginning of the ERAF property tax shifts, more than fifty (50+) cities increased an existing or levied a new UUT.<sup>3</sup>

City of Lodi citizens have a variety of choices in order to preserve services levels. Each type, Transaction and Use (sales), Utility User, and Transient Occupancy (TOT) require approval of at least 51% of residents through the ballot process. It is essential that open dialogue, clear communication, a comprehensive educational process, and an understanding of processes be undertaken prior to any decision.

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<sup>2</sup>Michael Coleman. *California Local Government Finance Almanac*. February 2006. Sponsored by the League of California Cities

<sup>3</sup> Michael Coleman. *California Local Government Finance Almanac*. February 2006. Sponsored by the League of California Cities



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt resolution establishing and adjusting rental fees for Parks and Recreation facilities

**MEETING DATE:** March 1, 2006 (Carried over from meeting of January 18, 2006 and February 1, 2006)

**PREPARED BY:** Parks and Recreation Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution establishing and adjusting rental fees for Parks and Recreation facilities.

**BACKGROUND INFORMATION:** At the September 27, 2005, shirtsleeve session staff presented to Council recommended adjustments to current facility rental fees for picnic areas, beach and pool rentals, baseball fields, and softball fields. Additionally, the establishment of fees for whole park areas, soccer fields, and the All Veterans Plaza were presented as well.

In the case of baseball and softball facilities, rental fees have not been adjusted in over a decade. Fee charges were assessed to new picnic areas (Peterson and Katzakian Parks) and adjustments made to Enze Pool and Lodi Lake Beach/Wading facilities in June of 2002. Council last approved all other picnic areas and building rental rates in August 2002. Historically, in updating and preparing proposed fee adjustments, staff has considered the following factors: (1) a mandated cost recovery goal of 35% minimum, (2) market demand and acceptance and (3) actual costs of provision and maintenance of the facilities, just as we are today.

In a separate and unrelated action on November 16, 2004, the Parks and Recreation Commission approved a 3-Tier Registration System fee proposal. The new system became effective January 1, 2005. This action was taken in an effort to more effectively meet recently mandated cost recovery goals of 100% in all fee-based programs.

Staff presented the fee proposal that is in front of you this evening to the Parks and Recreation Commission at their October 4, 2005, meeting. The Commission subsequently took action on the proposal at their December 6, 2005, meeting with the attached recommendation on picnic areas, pools/beach areas, softball fields, baseball fields, soccer fields, and whole park areas. The Commission unanimously approved the fee proposal as presented except for the establishment of fees for the All Veterans Plaza. The Parks and Recreation Commission respectfully recommend that events held at the All Veterans Plaza be limited to those which publicly honor veterans and/or military personnel and are in keeping with the memorial and patriotic theme of the plaza. As such, no rental fees shall be assessed for the use of this area/facility. The fee proposal was presented for informational purposes to the Lodi Budget/Finance Committee on January 9, 2006.

To further ensure that Parks and Recreation fees keep pace with budgetary goals and requirements, the Parks and Recreation Commission recommended the formation of a "Budget Review Task Force". This Task Force is to consist of Parks and Recreation staff and 2 Commission representatives, and will function as follows:

1. Formulate budget recommendations to Commission and Council on Parks and Recreation budgetary goals and cost recovery requirements.
2. Develop a strategic plan to meet these goals.
3. Review fee schedules on an annual basis in conjunction with the department's budget submittals and make recommendations on fee adjustments for budgetary goal attainment.

APPROVED: \_\_\_\_\_  
Blair King, City Manager

4. Thoroughly review current Parks and Recreation cost-allocation tracking system and modify as needed in order to meet the department's accounting needs.

Staff has diligently surveyed fee structures of other local agencies and communities and has quantitatively compared market rates. Comparables from local agencies are included in the Council packet. We are confident in the proposal that is before you this evening and fully support the recommendation of the Parks and Recreation Commission for its approval.

**FISCAL IMPACT:** Increased revenues to the General Fund totaling approximately \$40,000 per fiscal year of which \$30,000 were included in the 2005/06 revenue estimates.

**FUNDING AVAILABLE:** Not applicable

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Tony C. Goehring  
Parks and Recreation Director

Prepared by Susan Bjork, Management Analyst

TCG/SVB:tl

Attachments

cc: City Attorney

Lodi Parks and Recreation  
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
<b><u>PICNIC AREAS</u></b>							
Lodi Lake Hughes Beach Shelter	\$ 50.00	\$ 50.00	\$ 70.00	\$ 75.00	\$ 85.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Hughes Beach Whole	\$ 85.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 140.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Kiwanis Area	\$ 65.00	\$ 75.00	\$ 90.00	\$ 100.00	\$ 105.00	\$ 125.00	\$25/hr to \$109/day
Lodi Lake Parson's Point Shelter	\$ 40.00	\$ 50.00	\$ 60.00	\$ 75.00	\$ 75.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Parson's Point Whole	\$ 90.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 170.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Rotary Area Shelter	\$ 40.00	\$ 50.00	\$ 65.00	\$ 75.00	\$ 80.00	\$ 100.00	\$25/hr to \$109/day
Lodi Lake Rotary Area Whole	\$ 90.00	\$ 100.00	\$ 115.00	\$ 125.00	\$ 170.00	\$ 200.00	\$35/hr to \$215/day
Lodi Lake Williamson Youth Area Shelter	\$ 65.00	\$ 75.00	\$ 125.00	\$ 125.00	\$ 140.00	\$ 150.00	\$25/hr to \$109/day
Lodi Lake Williamson Youth Area Whole	\$ 165.00	\$ 175.00	\$ 215.00	\$ 225.00	\$ 270.00	\$ 300.00	\$35/hr to \$215/day
Emerson Lions Den Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
Katzakian Picnic Area	\$ 20.00	\$ 30.00	\$ 35.00	\$ 45.00	\$ 50.00	\$ 65.00	\$18/hr to \$50/day
Lawrence Picnic Area <b>NO CHANGE</b>	\$ 45.00	\$ 45.00	\$ 55.00	\$ 55.00	\$ 70.00	\$ 70.00	\$25/hr to \$109/day
Legion Loewen's Den Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
Peterson Picnic Area	\$ 20.00	\$ 30.00	\$ 35.00	\$ 45.00	\$ 50.00	\$ 65.00	\$18/hr to \$50/day
Salas Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
<b><u>POOLS/BEACH</u></b>							
Enze/Field Pool	\$ 70.00	\$ 85.00	\$ 80.00	\$ 95.00	\$ 90.00	\$ 110.00	\$35/hr to \$159/event
Lodi Lake Beach	\$ 80.00	\$ 85.00	\$ 90.00	\$ 95.00	\$ 100.00	\$ 110.00	
Lodi Lake Wading Pool	\$ 60.00	\$ 65.00	\$ 70.00	\$ 75.00	\$ 80.00	\$ 90.00	
Each increment of 25 people	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	
Each additional hour	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	
<b><u>SOFTBALL FIELDS - Armory, Softball Complex, Salas</u></b>							
Practice	\$ 25.00	\$ 65.00	\$ 25.00	\$ 70.00	\$ 50.00	\$ 80.00	\$3.50/hr - \$35/practice
Game	\$ 25.00	\$ 90.00	\$ 25.00	\$ 95.00	\$ 50.00	\$ 105.00	\$7.50 - \$35
Doubleheader <b>NEW</b>	\$ -	\$ 110.00	\$ -	\$ 115.00	\$ -	\$ 125.00	\$10.50/hr - \$85
Tournament - per team (dble elim)	\$ 40.00	\$ 50.00	\$ 40.00	\$ 50.00	\$ 40.00	\$ 50.00	\$10.50/hr - \$130 day
Lights <b>NEW</b>	\$ -	\$ 10.00		\$ 10.00		\$ 10.00	



Lodi Parks and Recreation  
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
<b>BASEBALL FIELDS - New User Class Structure</b>							
Blakely - Practice	\$21/41	\$ 50.00	\$21/41	\$ 60.00	\$62/82	\$ 75.00	\$3.50/hr - 1 agency response
Blakely - Game	\$35/\$68	\$ 70.00	\$35/\$68	\$ 80.00	\$103/137	\$ 100.00	\$3.50/hr - \$350/game
Blakely - Doubleheader <b>NEW</b>		\$ 100.00		\$ 110.00		\$ 140.00	\$3.50/hr - \$144/game
Yamashita Field (Kofu) - Practice	\$21/41	\$ 65.00	\$21/41	\$ 75.00	\$62/82	\$ 100.00	\$3.50/hr - 1 agency response
Yamashita Field (Kofu) - Game	\$35/\$68	\$ 85.00	\$35/\$68	\$ 95.00	\$103/137	\$ 125.00	\$3.50/hr - \$350/game
Yamashita Field (Kofu) - Doubleheader	\$37/\$73	\$ 115.00	\$37/\$73	\$ 125.00	\$110/147	\$ 155.00	\$3.50/hr - \$144/game
Yamashita Field (Kofu) - Tourney <b>NEW</b>		\$ 130.00		\$ 130.00		\$ 130.00	\$10.50/hr
Yamashita Field (Kofu) - Lights <b>NEW</b>		\$ 10.00		\$ 10.00		\$ 10.00	
Zupo Field - Practice	\$21/41	\$ 80.00	\$21/41	\$ 90.00	\$62/82	\$ 120.00	\$3.50/hr - 1 agency response
Zupo Field - Game	\$35/\$68	\$ 100.00	\$35/\$68	\$ 110.00	\$103/137	\$ 150.00	\$3.50/hr - \$350/game
Zupo Field - Doubleheader	\$37/\$73	\$ 130.00	\$37/\$73	\$ 140.00	\$110/147	\$ 180.00	\$3.50/hr - \$144/game
Zupo Field - Tourney <b>NEW</b>		\$ 130.00		\$ 130.00		\$ 130.00	\$10.50/hr
Zupo Field Lights - <b>New</b>		\$ 20.00		\$ 20.00		\$ 20.00	
<b><u>SOCCER FIELD</u></b>							
Kofu Park Soccer Field <b>NEW</b>		\$ 70.00		\$ 75.00		\$ 90.00	\$3.30/hr - \$3100/day
Kofu Park Soccer Field Lights <b>NEW</b>		\$ 10.00		\$ 10.00		\$ 10.00	
<b><u>WHOLE PARK AREAS - NEW</u></b>							
Lodi Lake Park (whole, excluding nature area)		\$ 2,500.00		\$ 3,500.00		\$ 5,000.00	
Lodi Lake Park (north side)		\$ 700.00		\$ 1,000.00		\$ 1,500.00	
Lodi Lake Extra Day (cleanup/setup)		\$ 300.00		\$ 300.00		\$ 300.00	
Beckman Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Hale Park (grandstand/parking areas)		\$ 300.00		\$ 500.00		\$ 800.00	
Henry Graves (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Grape Bowl (cleanup/setup)	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 500.00	\$ 300.00	
Lawrence Park		\$ 300.00		\$ 500.00		\$ 800.00	
Peterson Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Vinewood Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Zupo Field (non-athletic events)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Kofu Skate Park - 4 hr min.		\$ 100.00/hr		\$ 100.00/hr		\$ 125.00/hr	
<b>All whole park areas:</b>							
Plus cost of city services							
10% of proceeds for Groups C and D <i>for profit</i> events							

Lodi Parks and Recreation  
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
<b>MISCELLANEOUS *</b>							
All Veterans Plaza - Community events		\$ -					
All Veterans Plaza - Private events		\$25 p/h		\$25 p/h		\$50 p/h	

\* The Parks and Recreation Commission recommends that events held at the All Veterans Plaza be limited to those that publicly honor veterans and/or military personnel and are in keeping with the memorial and patriotic theme of the plaza and as such, no rental fees should be assessed for use of the facility.

**Definitions:**

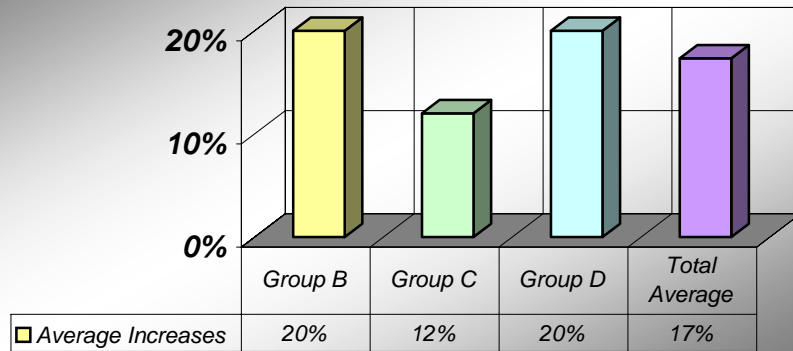
Group B: Local non-profits with a 501(c)(3) designation

Group C: Individuals, agencies, organizations and businesses within the incorporated Lodi city limits

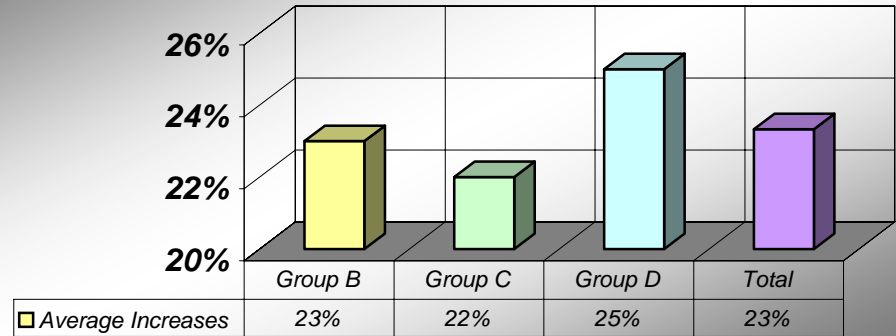
Group D: All individuals, agencies, organizations, and businesses **outside** the incorporated Lodi city limits

Lodi Parks and Recreation  
2005/06 Proposed Fee Adjustments

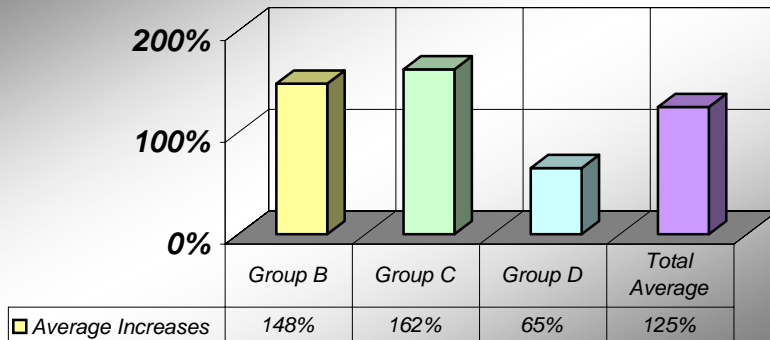
**Picnic Area Increases**



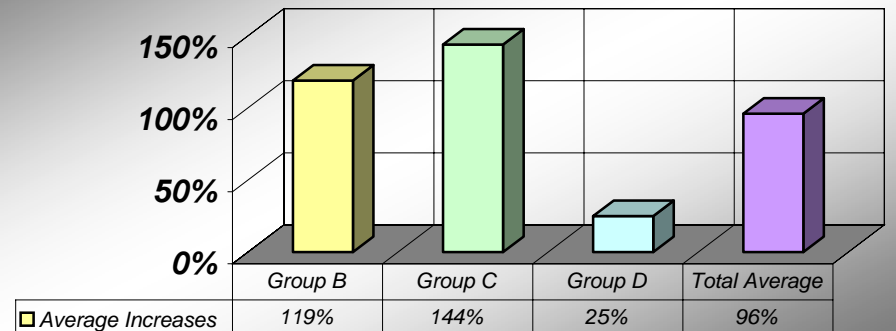
**Pool/Beach Rentals**



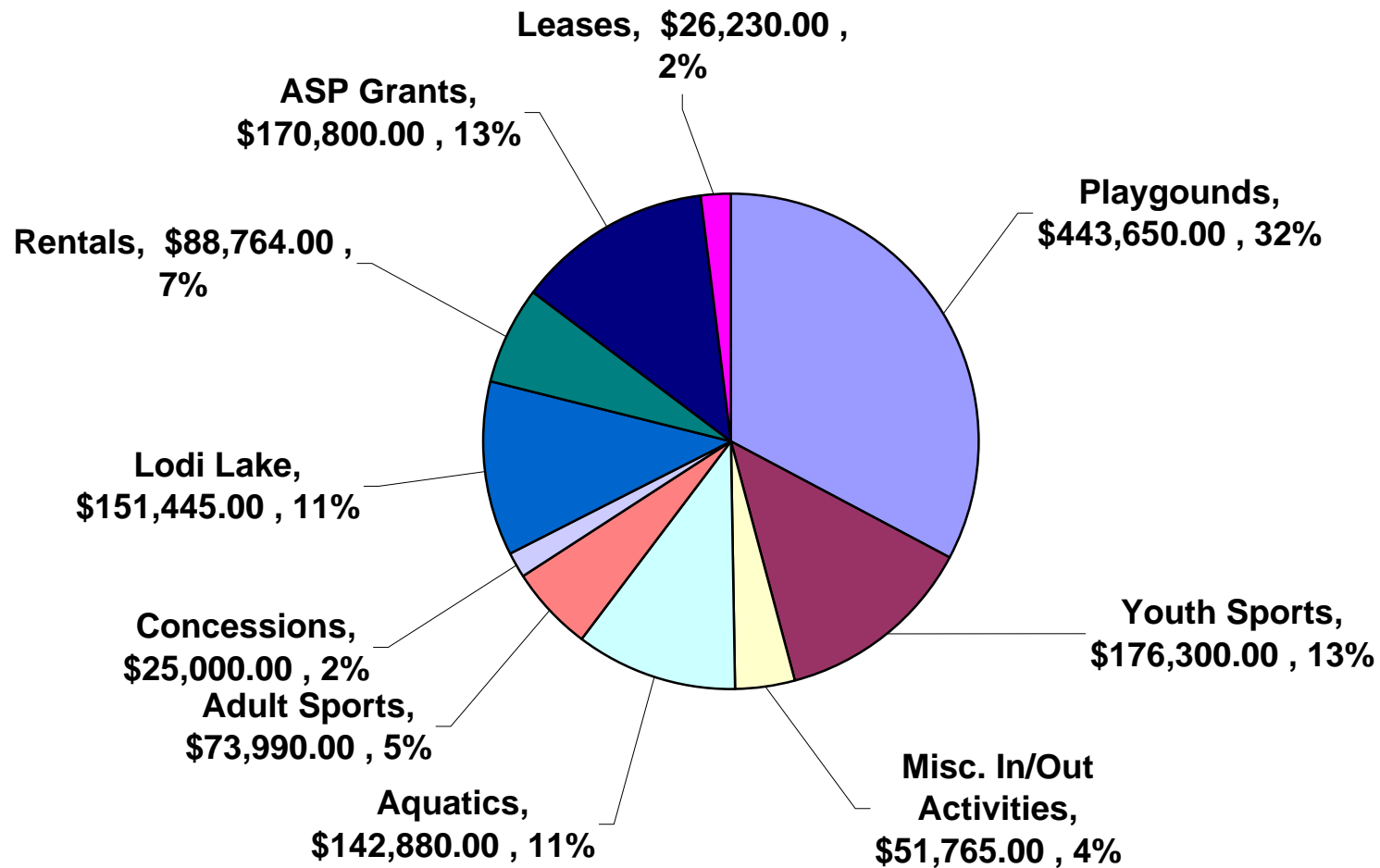
**Softball Field Increases**



**Baseball Field Increases**

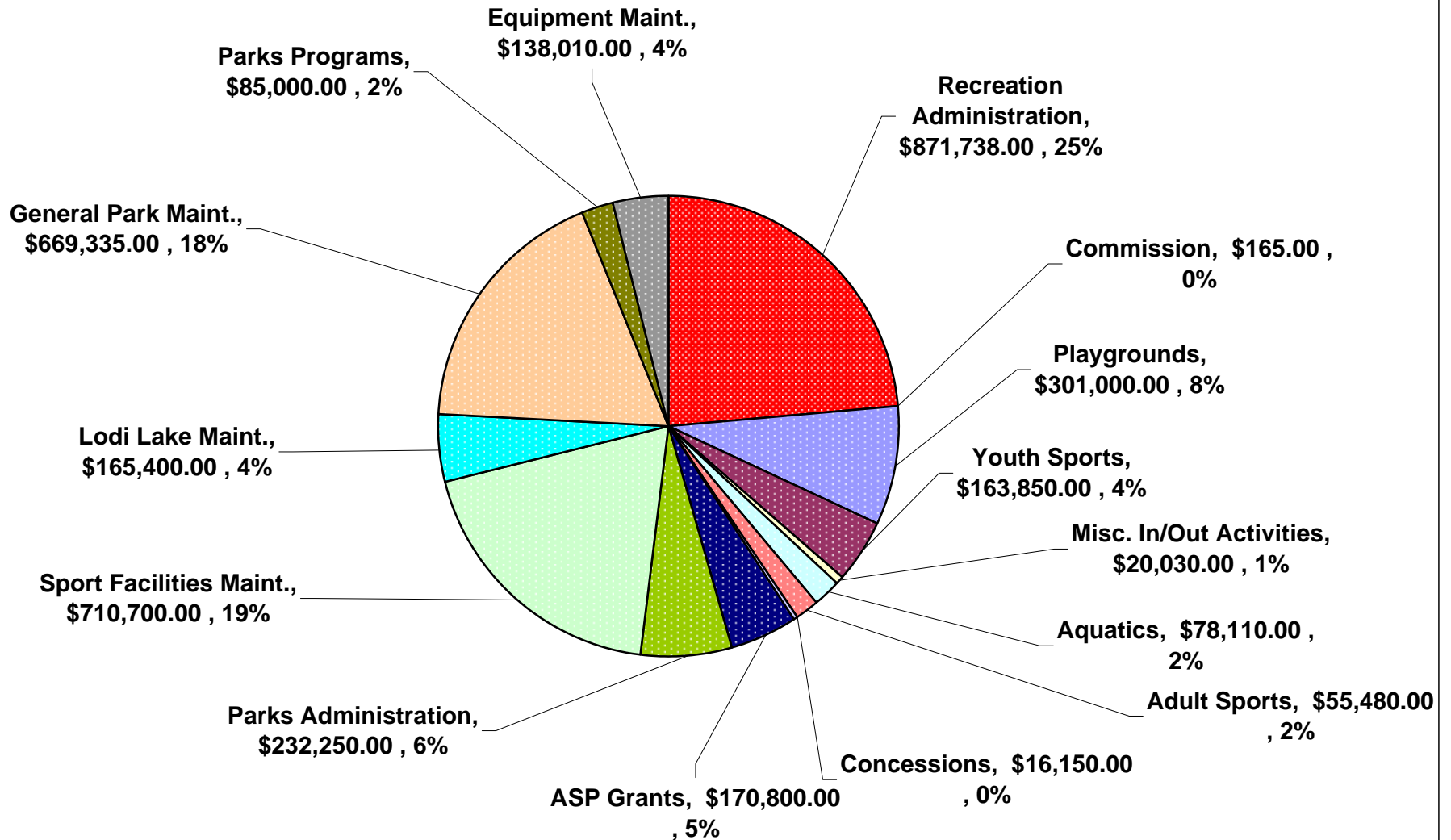


## 2005/06 Revenue Goals: \$1,350,824



Lodi Parks and Recreation  
2005/06 Proposed Fee Adjustments

## 2005/06 Operating Budget: \$3,678,018



RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE ESTABLISHMENT AND  
ADJUSTMENT OF CERTAIN PARKS AND  
RECREATION FEES AND CHARGES

=====

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. WHEREAS, Lodi Municipal Code §12.16.020 requires the City Council, by Resolution, to set fees for various services provided by the City of Lodi to recover those costs associated with providing specific services and programs; and

WHEREAS, staff recommends increasing and establishing fees for the Parks and Recreation Department as shown on the attached schedule, marked Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby implement the fee schedule as attached hereto marked Exhibit A and made a part of this Resolution.

SECTION 2. All resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This resolution shall be in force and take effect March 1, 2006.

Dated: March 1, 2006

=====

I hereby certify that Resolution No. 2006-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2006-\_\_\_\_\_

# EXHIBIT A

## Lodi Parks and Recreation 2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
<b><u>PICNIC AREAS</u></b>							
Lodi Lake Hughes Beach Shelter	\$ 50.00	\$ 50.00	\$ 70.00	\$ 75.00	\$ 85.00	\$ 100.00	\$25/hr to \$109/day
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Peterson Picnic Area	\$ 20.00	\$ 30.00	\$ 35.00	\$ 45.00	\$ 50.00	\$ 65.00	\$18/hr to \$50/day
Salas Picnic Area	\$ 40.00	\$ 50.00	\$ 55.00	\$ 60.00	\$ 70.00	\$ 80.00	\$25/hr to \$109/day
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Each additional hour	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	\$ 25.00	\$ 35.00	
<b><u>SOFTBALL FIELDS - Armory, Softball Complex, Salas</u></b>							
Practice	\$ 25.00	\$ 65.00	\$ 25.00	\$ 70.00	\$ 50.00	\$ 80.00	\$3.50/hr - \$35/practice
Game	\$ 25.00	\$ 90.00	\$ 25.00	\$ 95.00	\$ 50.00	\$ 105.00	\$7.50 - \$35
Doubleheader <b>NEW</b>	\$ -	\$ 110.00	\$ -	\$ 115.00	\$ -	\$ 125.00	\$10.50/hr - \$85
Tournament - per team (dble elim)	\$ 40.00	\$ 50.00	\$ 40.00	\$ 50.00	\$ 40.00	\$ 50.00	\$10.50/hr - \$130 day
Lights <b>NEW</b>	\$ -	\$ 10.00		\$ 10.00		\$ 10.00	

Lodi Parks and Recreation  
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
<b>BASEBALL FIELDS - New User Class Structure</b>							
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Blakely - Game	\$35/\$68	\$ 70.00	\$35/\$68	\$ 80.00	\$103/137	\$ 100.00	\$3.50/hr - \$350/game
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Yamashita Field (Kofu) - Practice	\$21/41	\$ 65.00	\$21/41	\$ 75.00	\$62/82	\$ 100.00	\$3.50/hr - 1 agency response
Yamashita Field (Kofu) - Game	\$35/\$68	\$ 85.00	\$35/\$68	\$ 95.00	\$103/137	\$ 125.00	\$3.50/hr - \$350/game
Yamashita Field (Kofu) - Doubleheader	\$37/\$73	\$ 115.00	\$37/\$73	\$ 125.00	\$110/147	\$ 155.00	\$3.50/hr - \$144/game
Yamashita Field (Kofu) - Tourney <b>NEW</b>		\$ 130.00		\$ 130.00		\$ 130.00	\$10.50/hr
Yamashita Field (Kofu) - Lights <b>NEW</b>		\$ 10.00		\$ 10.00		\$ 10.00	
Zupo Field - Practice	\$21/41	\$ 80.00	\$21/41	\$ 90.00	\$62/82	\$ 120.00	\$3.50/hr - 1 agency response
Zupo Field - Game	\$35/\$68	\$ 100.00	\$35/\$68	\$ 110.00	\$103/137	\$ 150.00	\$3.50/hr - \$350/game
Zupo Field - Doubleheader	\$37/\$73	\$ 130.00	\$37/\$73	\$ 140.00	\$110/147	\$ 180.00	\$3.50/hr - \$144/game
Zupo Field - Tourney <b>NEW</b>		\$ 130.00		\$ 130.00		\$ 130.00	\$10.50/hr
Zupo Field Lights - <b>New</b>		\$ 20.00		\$ 20.00		\$ 20.00	
<b><u>SOCCER FIELD</u></b>							
Kofu Park Soccer Field <b>NEW</b>		\$ 70.00		\$ 75.00		\$ 90.00	\$3.30/hr - \$3100/day
Kofu Park Soccer Field Lights <b>NEW</b>		\$ 10.00		\$ 10.00		\$ 10.00	
<b><u>WHOLE PARK AREAS - NEW</u></b>							
Lodi Lake Park (whole, excluding nature area)		\$ 2,500.00		\$ 3,500.00		\$ 5,000.00	
Lodi Lake Park (north side)		\$ 700.00		\$ 1,000.00		\$ 1,500.00	
Lodi Lake Extra Day (cleanup/setup)		\$ 300.00		\$ 300.00		\$ 300.00	
Beckman Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Hale Park (grandstand/parking areas)		\$ 300.00		\$ 500.00		\$ 800.00	
Henry Graves (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Grape Bowl (cleanup/setup)	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 500.00	\$ 300.00	
Lawrence Park		\$ 300.00		\$ 500.00		\$ 800.00	
Peterson Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Vinewood Park (basin area)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Zupo Field (non-athletic events)		\$ 500.00		\$ 700.00		\$ 1,000.00	
Kofu Skate Park - 4 hr min.		\$ 100.00/hr		\$ 100.00/hr		\$ 125.00/hr	
<b>All whole park areas:</b>							
Plus cost of city services							
10% of proceeds for Groups C and D <i>for profit</i> events							



Lodi Parks and Recreation  
2005/06 Proposed Fee Adjustments

Description	User Group B		User Group C		User Group D		Other Agency Comparison
	Current	Proposed	Current	Proposed	Current	Proposed	
<b>MISCELLANEOUS *</b>							
All Veterans Plaza - Community events		\$ -					
All Veterans Plaza - Private events		\$25 p/h		\$25 p/h		\$50 p/h	

\* The Parks and Recreation Commission recommends that events held at the All Veterans Plaza be limited to those that publicly honor veterans and/or military personnel and are in keeping with the memorial and patriotic theme of the plaza and as such, no rental fees should be assessed for use of the facility.

**Definitions:**

Group B: Local non-profits with a 501(c)(3) designation

Group C: Individuals, agencies, organizations and businesses within the incorporated Lodi city limits

Group D: All individuals, agencies, organizations, and businesses **outside** the incorporated Lodi city limits



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt resolution establishing and adjusting rental fees for Hutchins Street Square (COM)

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Steve Baker, Interim Community Center Director

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**RECOMMENDED ACTION:** Adopt resolution approving establishing and adjusting rental fees for Hutchins Street Square.

**BACKGROUND INFORMATION:** In March of 1998, the City Council approved the establishment of rental fees for Hutchins Street Square which included the amount of fees and deposits to be charged for the use of facility space as well as ancillary or supplemental equipment. Between 1998 and 2002, those rental fees were steadily increased to what is shown on Exhibit 1 under "Current" fees.

After benchmarking rental fees of other local and regional facilities; and after careful analysis of the community center's current occupancy rates, staff recommends that current rental rates remain in place for the higher traffic days of Thursday through Saturday. For Sundays through Wednesdays, staff recommends offering a discount of 12-50% (depending on the specific space) to encourage greater utilization. Additionally, staff proposes that exterior areas of the Square have rental charges associated with their use as noted on the attached exhibit.

The Hutchins Street Square Board of Directors and the City's Budget Committee have reviewed this proposal.

In fiscal year 2004-05, the Square's activities generated revenues of \$487,455 – recovering approximately 35% of the Square's operating costs.. The budgeted goal for 2005-2006 is 43% cost recovery.

Attached for your consideration are exhibits showing 1) current and proposed rental fees; 2) current occupancy rates; and 3) cost recovery breakdowns for last fiscal year and the budgeted recovery for this fiscal year.

**FISCAL IMPACT:** The City should realize additional revenues in the form of additional rentals of the Hutchins Street Square facility.

**FUNDING:** None. No funding is required for this proposal.

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Steve Baker,  
Interim Community Center Director

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

Community Center - Hutchins Street Square  
Proposed Fee Adjustments

Exhibit 1a

Description	User Group A						User Group B					
	Current	Proposed					Current	Proposed				
		Sun-Wed	Discount	DEPOSIT	Thur-Sat	DEPOSIT		Sun-Wed	Discount	DEPOSIT	Thur-Sat	DEPOSIT
PRICE PER DAY												
ENTIRE INSIDE SQUARE*	\$0	\$3,500	36%	\$3,000	\$5,500	\$3,000	\$0	\$2,500	16%	\$3,000	\$3,000	\$3,000
ENTIRE INSIDE/OUTSIDE SQUARE*	\$0	\$4,500	30%	\$4,000	\$6,500	\$4,000	\$0	\$3,250	18%	\$4,000	\$4,000	\$4,000
CPL THEATRE	\$1,500	\$750	50%	\$700	\$1,500	\$700	\$700	\$500	28%	\$700	\$700	\$700
KIRST HALL	\$1,400	\$1,000	28%	\$600	\$1,400	\$600	\$600	\$500	16%	\$600	\$600	\$600
CRETE HALL	\$850	\$600	29%	\$400	\$850	\$400	\$400	\$350	12%	\$400	\$400	\$400
DAPHNE'S KITCHEN	\$400	\$250	37%	\$200	\$400	\$200	\$200	\$150	25%	\$200	\$200	\$200
THOMAS THEATRE	\$600	\$350	41%	\$300	\$600	\$300	\$300	\$200	33%	\$300	\$300	\$300
AMPHITHEATRE	\$600	\$350	41%	\$300	\$600	\$300	\$300	\$200	33%	\$300	\$300	\$300
COTTAGE ROOM	\$400	\$250	37%	\$200	\$400	\$200	\$200	\$150	25%	\$200	\$200	\$200
PISANO ROOM	\$400	\$250	37%	\$200	\$400	\$200	\$200	\$150	25%	\$200	\$200	\$200
COTTAGE-PISANO COMBINED	\$700	\$475	32%	\$400	\$700	\$400	\$400	\$275	31%	\$400	\$400	\$400
GREEN ROOM (per hour)	\$30	\$20	33%	\$15	\$30	\$15	\$15	\$10	33%	\$15	\$15	\$15
ROTUNDA (when no other space is rented)	\$600	\$450	25%	\$300	\$600	\$300	\$300	\$250	33%	\$300	\$300	\$300
ARTS CLASSROOM (per hour)	\$0	\$25	0%	\$20	\$25	\$20	\$0	\$15	16%	\$20	\$20	\$20
SENIOR CENTER (per hour; after closing)	\$0	\$25	50%	\$30	\$50	\$30	\$0	\$20	33%	\$30	\$30	\$30
POOL (per hour; after closing)	\$0	N/A	n/a	\$65	\$70	\$65	\$0	N/A	N/A	\$65	\$65	\$65
OMEGA-NU STAGE/West Park**	\$0	\$750	37%	\$650	\$1,200	\$650	\$0	\$450	30%	\$650	\$650	\$650

Description	User Group C				User Group D	
	Current	Proposed		Thur-Sat	Sun-Sat	Sun-Sat
		Sun-Wed	Discount			
PRICE PER DAY						
ENTIRE INSIDE SQUARE*	\$0	\$1,300	13%	\$1,500	\$0	\$0
ENTIRE INSIDE/OUTSIDE SQUARE*	\$0	\$1,700	15%	\$2,000	\$0	\$0
CPL THEATRE	\$350	\$250	28%	\$350	\$0	\$0
KIRST HALL	\$300	\$250	16%	\$300	\$0	\$0
CRETE HALL	\$200	\$175	12%	\$200	\$0	\$0
DAPHNE'S KITCHEN	\$100	\$75	25%	\$100	\$0	\$0
THOMAS THEATRE	\$150	\$125	16%	\$150	\$0	\$0
AMPHITHEATRE	\$150	\$125	16%	\$150	\$0	\$0
COTTAGE ROOM	\$100	\$75	25%	\$100	\$0	\$0
PISANO ROOM	\$100	\$75	25%	\$100	\$0	\$0
COTTAGE-PISANO COMBINED	\$200	\$150	25%	\$200	\$0	\$0
GREEN ROOM (per hour)	\$0	\$0	0%	\$0	\$0	\$0
ROTUNDA (when no other space is rented)	\$150	\$100	33%	\$150	\$0	\$0
ARTS CLASSROOM (per hour)	\$0	\$0	n/a	\$0	\$0	\$0
SENIOR CENTER (per hour; after closing)	\$0	\$0	n/a	\$0	\$0	\$0
POOL (per hour; after closing)	\$0	N/A	n/a	\$60	\$0	\$0
OMEGA-NU STAGE/West Park**	\$0	\$300	14%	\$350	\$0	\$0

**Definitions:**

Group A: Individuals; for-profit businesses  
Group B: Local non-profits with a 501(c)(3) designation  
Group C: City Associates (Arts Commission; HSS Instructors; other appointed boards, commissions groups)  
Group D: City (subject to bump w/in 30 days of a Group A booking)

NOTE: Security Deposits will be collected on rentals for Groups A & B equal to the full rental rate for Thur-Sat of Group B.

\*Inside of Square = Theatre, Rotunda, Kirst Hall, Crete Hall, Daphne's Kitchen, Thomas Theatre, Cottage/Pisano Rooms ONLY

\*\*Whole West Park must have approval of City Manager first

Rental Fees do not include charges for additional items, security guards or other labor

# Supplemental/ Ancillary Equipment Rental Fees

Exhibit 1b

Item	Current Fee (ea.)	Proposed Fee (ea.)	Set-up	Deposit - On-site use	Deposit - Off-site Use
Easels (metal)	\$0	\$5	\$0	None	\$100
Easels (wood - see Arts Comm)	\$0	\$10	\$0	None	\$200
Art Panel w/ hangers	\$25	\$25	\$0	None	n/a
8 x 6 x 24 riser (stage)	\$30	\$50	\$0	None	\$1,000
8 x 6 x 8 riser (stage)	\$30	\$30	\$0	None	\$1,000
8' wood beverage bar	\$0	\$95	\$0	None	n/a
6' wood beverage bar	\$0	\$75	\$0	None	n/a
5' projection screen	\$30	\$30	\$0	None	\$150
Podium (Amplified)	\$30	\$30	\$0	None	n/a
Overhead projector w/ table	\$40	\$40	\$0	None	\$250
TV/VCR combo	\$30	\$30	\$0	None	n/a
Tent Canopy - 10' x 10'	\$40	\$95	\$0	None	\$500
Tent Canopy - 20' x 30'	\$40	\$300	\$0	None	\$1,000
<b>THEATRICAL</b>					
STRIP LIGHTS	\$10	\$10	\$0	None	n/a
FIXED LIGHTS	\$2.50	\$2.50	\$0	None	n/a
SPOTLIGHTS	\$25	\$25	\$0	None	n/a
ORCHESTRA SHELL	\$150	\$150	\$600	None	n/a
MUSIC STAND LIGHTS	\$1.50	\$1.50	\$0	None	n/a
PIANO RENTAL (CPL)	\$250	\$250	\$0	None	n/a
PIANO RENTAL (Kirst)	\$240	\$240	\$0	None	n/a
PIANO TUNE	<i>prevailing rate + 10%</i>	<i>prevailing rate + 10%</i>	\$0	None	n/a
Piano moving	<i>prevailing rate + 10%</i>	<i>prevailing rate + 10%</i>	\$0	None	n/a
LEVEL ONE TECH per 8 hrs	\$300	\$300	\$0	None	n/a
LEVEL ONE TECH OT/per HR	\$55	\$55	\$0	None	n/a
LEVEL TWO TECH per hour	\$16	\$16	\$0	None	n/a
LEVEL TWO TECH OT/per HR	\$24	\$24	\$0	None	n/a
<b>Tables/Chairs Set Up-Tear Down Fee</b>					
- Banquet Kirst	\$0	\$0	n/a	None	n/a
- Banquet Crete	\$0	\$0	n/a	None	n/a
- Banquet Thomas	\$0	\$0	n/a	None	n/a
- Banquet Cottage/Pisano	\$0	\$0	n/a	None	n/a
- Lecture Kirst	\$0	\$0	n/a	None	n/a
- Lecture Crete	\$0	\$0	n/a	None	n/a
- Lecture Thomas	\$0	\$0	n/a	None	n/a
- Lecture Cottage/Pisano	\$0	\$0	n/a	None	n/a
Linens (white only/all sizes)	\$0	\$10	\$0	None	n/a
Coffee pot - 100 cup	\$0	\$25	\$0	None	\$100
Coffee pot - 50 cup	\$0	\$15	\$0	None	\$75
Security Guard	<i>prevailing rate + 10%</i>	\$17/per hr	\$25/per hr for OT		
Insurance	<i>prevailing rate</i>				
NOTE: n/a = item NOT available for use off-site					

**OCCUPANCY PER SPACE/PER DAY (ALL CLIENTS - July thru Sept 2005)**

	<b>Sunday</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>TOT AVG</b>
<i>Kirst Hall</i>	0%	0%	100%	100%	25%	38%	92%	<b>51%</b>
<i>Crete Hall/kitchen</i>	0%	7%	53%	100%	42%	33%	26%	<b>37%</b>
<i>Thomas Theatre</i>	0%	61%	100%	76%	100%	57%	30%	<b>61%</b>
<i>Cottage Room</i>	8%	0%	7%	92%	58%	50%	15%	<b>33%</b>
<i>Pisano Room</i>	0%	46%	7%	46%	50%	14%	7%	<b>24%</b>
<i>Wishek Amph</i>	0%	23%	53%	53%	33%	7%	0%	<b>24%</b>
<i>CPL Theatre</i>	7%	0%	0%	15%	16%	7%	15%	<b>9%</b>
<i>Green Room</i>	7%	7%	60%	61%	16%	21%	8%	<b>26%</b>
<i>Arts Classroom</i>	0%	76%	92%	84%	83%	64%	38%	<b>62%</b>
<b>TOT AVG</b>	<b>2%</b>	<b>24%</b>	<b>52%</b>	<b>70%</b>	<b>47%</b>	<b>32%</b>	<b>26%</b>	<b>36%</b>

**OCCUPANCY PER SPACE/PER DAY (PAID CLIENTS ONLY - July thru Sept 2005)\***

	<b>Sunday</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>TOT AVG</b>
<i>Kirst Hall</i>	0%	0%	0%	7%	7%	14%	92%	<b>17%</b>
<i>Crete Hall/kitchen</i>	0%	0%	0%	100%	7%	28%	30%	<b>24%</b>
<i>Thomas Theatre</i>	0%	0%	15%	15%	0%	0%	0%	<b>4%</b>
<i>Cottage Room</i>	0%	0%	0%	7%	7%	7%	15%	<b>5%</b>
<i>Pisano Room</i>	0%	0%	0%	0%	7%	0%	7%	<b>2%</b>
<i>Wishek Amph</i>	0%	0%	0%	7%	0%	0%	0%	<b>1%</b>
<i>CPL Theatre</i>	8%	0%	0%	15%	15%	7%	15%	<b>9%</b>
<i>Green Room</i>	0%	0%	0%	11%	0%	0%	0%	<b>2%</b>
<i>Arts Classroom</i>	0%	0%	0%	0%	0%	0%	0%	<b>0%</b>
<b>TOT AVG</b>	<b>1%</b>	<b>0%</b>	<b>2%</b>	<b>18%</b>	<b>5%</b>	<b>6%</b>	<b>18%</b>	<b>7%</b>

\*Arts Education classes not included

\*Wednesday client in Crete Hall = Delta Blood Bank who is already paying a reduced rate. New rates would bring them into compliance.

**2004-05 Cost Recovery Analysis**

	<b>Expenses</b>	<b>Revenue</b>	<b>% Recovered</b>
PAT	<b>\$231,927</b>	\$82,678	35%
PAT-Box Office	\$181,927		
Administration	\$50,000		
RENTALS	<b>\$150,000</b>	\$176,675	115%
Administration	\$50,000		
Maintenance	\$100,000		
ARTS EDUCATION	<b>\$156,262</b>	\$115,352	74%
Arts Classes	\$136,262		
Maintenance	\$20,000		
POOL	<b>\$169,088</b>	\$90,152	53%
Swimming	\$119,088		
Maintenance	\$50,000		
YOUTH COMMISSION	<b>\$38,160</b>	\$21,738	57%
GIFT BOXES	<b>\$1,036</b>	\$652	63%
OTHER*	<b>\$663,533</b>	\$208	>1%
Administration	\$235,834		
Maintenance	\$192,342		
Arts & Culture	\$122,045		
Arts Commission	\$1,468		
Public Art	\$0		
Senior Center	\$111,821		
Senior Commission	\$23		
<b>TOTALS:</b>	<b>\$1,410,006</b>	<b>\$487,455</b>	<b>35%</b>

**2005-06 Cost Recovery Analysis (Estimated)**

	<b>Expenses</b>	<b>Revenue</b>	<b>% Recovered</b>
PAT	<b>\$211,150</b>	\$139,000	66%
PAT-Box Office	\$161,150		
Administration	\$50,000		
RENTALS	<b>\$160,500</b>	\$160,500	100%
Administration	\$50,000		
Maintenance	\$110,500		
ARTS EDUCATION	<b>\$125,238</b>	\$114,000	91%
Arts Classes	\$105,238		
Maintenance	\$20,000		
POOL	<b>\$162,210</b>	\$97,000	60%
Swimming	\$112,210		
Maintenance	\$50,000		
YOUTH COMMISSION	<b>\$41,740</b>	\$25,000	60%
GIFT BOXES	<b>\$1,300</b>	\$2,300	177%
OTHER*	<b>\$580,562</b>	\$7,500	1%
Administration	\$213,050		
Maintenance	\$131,400		
Arts & Culture	\$137,062		
Arts Commission	\$1,100		
Public Art	\$2,600		
Senior Center	\$94,400		
Senior Commission	\$950		
<b>TOTALS:</b>	<b>\$1,282,700</b>	<b>\$545,300</b>	<b>43%</b>

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE ESTABLISHMENT OF RENTAL  
FEES FOR HUTCHINS STREET SQUARE

=====

BE IT RESOLVED that the Lodi City Council does hereby approve the establishment of rental fees for use of facilities at Hutchins Street Square, as shown on the attached Exhibit A and made a part of this Resolution.

Dated: March 1, 2006

=====

I hereby certify that Resolution No. 2006-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON  
City Clerk

2006-\_\_\_\_\_



## Community Center - Hutchins Street Square Proposed Fee Adjustments

Description	User Group A						User Group B					
	Current	Proposed					Current	Proposed				
		Sun-Wed	Discount	DEPOSIT	Thur-Sat	DEPOSIT		Sun-Wed	Discount	DEPOSIT	Thur-Sat	DEPOSIT
PRICE PER DAY												
ENTIRE INSIDE SQUARE*	\$0	\$3,500	36%	\$3,000	\$5,500	\$3,000	\$0	\$2,500	16%	\$3,000	\$3,000	\$3,000
ENTIRE INSIDE/OUTSIDE SQUARE*	\$0	\$4,500	30%	\$4,000	\$6,500	\$4,000	\$0	\$3,250	18%	\$4,000	\$4,000	\$4,000
CPL THEATRE	\$1,500	\$750	50%	\$700	\$1,500	\$700	\$700	\$500	28%	\$700	\$700	\$700
KIRST HALL	\$1,400	\$1,000	28%	\$600	\$1,400	\$600	\$600	\$500	16%	\$600	\$600	\$600
CRETE HALL	\$850	\$600	29%	\$400	\$850	\$400	\$400	\$350	12%	\$400	\$400	\$400
DAPHNE'S KITCHEN	\$400	\$250	37%	\$200	\$400	\$200	\$200	\$150	25%	\$200	\$200	\$200
THOMAS THEATRE	\$600	\$350	41%	\$300	\$600	\$300	\$300	\$200	33%	\$300	\$300	\$300
AMPHITHEATRE	\$600	\$350	41%	\$300	\$600	\$300	\$300	\$200	33%	\$300	\$300	\$300
COTTAGE ROOM	\$400	\$250	37%	\$200	\$400	\$200	\$200	\$150	25%	\$200	\$200	\$200
PISANO ROOM	\$400	\$250	37%	\$200	\$400	\$200	\$200	\$150	25%	\$200	\$200	\$200
COTTAGE-PISANO COMBINED	\$700	\$475	32%	\$400	\$700	\$400	\$400	\$275	31%	\$400	\$400	\$400
GREEN ROOM (per hour)	\$30	\$20	33%	\$15	\$30	\$15	\$15	\$10	33%	\$15	\$15	\$15
ROTUNDA (when no other space is rented)	\$600	\$450	25%	\$300	\$600	\$300	\$300	\$250	33%	\$300	\$300	\$300
ARTS CLASSROOM (per hour)	\$0	\$25	0%	\$20	\$25	\$20	\$0	\$15	16%	\$20	\$20	\$20
SENIOR CENTER (per hour; after closing)	\$0	\$25	50%	\$30	\$50	\$30	\$0	\$20	33%	\$30	\$30	\$30
POOL (per hour; after closing)	\$0	N/A	n/a	\$65	\$70	\$65	\$0	N/A	N/A	\$65	\$65	\$65
OMEGA-NU STAGE/West Park**	\$0	\$750	37%	\$650	\$1,200	\$650	\$0	\$450	30%	\$650	\$650	\$650

Description	User Group C				User Group D	
	Current	Proposed		Thur-Sat	Sun-Sat	Sun-Sat
		Sun-Wed	Discount			
PRICE PER DAY						
ENTIRE INSIDE SQUARE*	\$0	\$1,300	13%	\$1,500	\$0	\$0
ENTIRE INSIDE/OUTSIDE SQUARE*	\$0	\$1,700	15%	\$2,000	\$0	\$0
CPL THEATRE	\$350	\$250	28%	\$350	\$0	\$0
KIRST HALL	\$300	\$250	16%	\$300	\$0	\$0
CRETE HALL	\$200	\$175	12%	\$200	\$0	\$0
DAPHNE'S KITCHEN	\$100	\$75	25%	\$100	\$0	\$0
THOMAS THEATRE	\$150	\$125	16%	\$150	\$0	\$0
AMPHITHEATRE	\$150	\$125	16%	\$150	\$0	\$0
COTTAGE ROOM	\$100	\$75	25%	\$100	\$0	\$0
PISANO ROOM	\$100	\$75	25%	\$100	\$0	\$0
COTTAGE-PISANO COMBINED	\$200	\$150	25%	\$200	\$0	\$0
GREEN ROOM (per hour)	\$0	\$0	0%	\$0	\$0	\$0
ROTUNDA (when no other space is rented)	\$150	\$100	33%	\$150	\$0	\$0
ARTS CLASSROOM (per hour)	\$0	\$0	n/a	\$0	\$0	\$0
SENIOR CENTER (per hour; after closing)	\$0	\$0	n/a	\$0	\$0	\$0
POOL (per hour; after closing)	\$0	N/A	n/a	\$60	\$0	\$0
OMEGA-NU STAGE/West Park**	\$0	\$300	14%	\$350	\$0	\$0

### Definitions:

- Group A: Individuals; for-profit businesses
- Group B: Local non-profits with a 501(c)(3) designation
- Group C: City Associates (Arts Commission; HSS Instructors; other appointed boards, commissions groups)
- Group D: City (subject to bump w/in 30 days of a Group A booking)

NOTE: Security Deposits will be collected on rentals for Groups A & B equal to the full rental rate for Thur-Sat of Group B.

\*Inside of Square = Theatre, Rotunda, Kirst Hall, Crete Hall, Daphne's Kitchen, Thomas Theatre, Cottage/Pisano Rooms ONLY

\*\*Whole West Park must have approval of City Manager first

Rental Fees do not include charges for additional items, security guards or other labor

## Supplemental/ Ancillary Equipment Rental Fees

Item	Current Fee (ea.)	Proposed Fee (ea.)	Set-up	Deposit - On-site use	Deposit - Off-site Use
Easels (metal)	\$0	\$5	\$0	None	\$100
Easels (wood - see Arts Comm)	\$0	\$10	\$0	None	\$200
Art Panel w/ hangers	\$25	\$25	\$0	None	n/a
8 x 6 x 24 riser (stage)	\$30	\$50	\$0	None	\$1,000
8 x 6 x 8 riser (stage)	\$30	\$30	\$0	None	\$1,000
8' wood beverage bar	\$0	\$95	\$0	None	n/a
6' wood beverage bar	\$0	\$75	\$0	None	n/a
5' projection screen	\$30	\$30	\$0	None	\$150
Podium (Amplified)	\$30	\$30	\$0	None	n/a
Overhead projector w/ table	\$40	\$40	\$0	None	\$250
TV/VCR combo	\$30	\$30	\$0	None	n/a
Tent Canopy - 10' x 10'	\$40	\$95	\$0	None	\$500
Tent Canopy - 20' x 30'	\$40	\$300	\$0	None	\$1,000
<b>THEATRICAL</b>					
STRIP LIGHTS	\$10	\$10	\$0	None	n/a
FIXED LIGHTS	\$2.50	\$2.50	\$0	None	n/a
SPOTLIGHTS	\$25	\$25	\$0	None	n/a
ORCHESTRA SHELL	\$150	\$150	\$600	None	n/a
MUSIC STAND LIGHTS	\$1.50	\$1.50	\$0	None	n/a
PIANO RENTAL (CPL)	\$250	\$250	\$0	None	n/a
PIANO RENTAL (Kirst)	\$240	\$240	\$0	None	n/a
PIANO TUNE	<i>prevailing rate + 10%</i>	<i>prevailing rate + 10%</i>	\$0	None	n/a
Piano moving	<i>prevailing rate + 10%</i>	<i>prevailing rate + 10%</i>	\$0	None	n/a
LEVEL ONE TECH per 8 hrs	\$300	\$300	\$0	None	n/a
LEVEL ONE TECH OT/per HR	\$55	\$55	\$0	None	n/a
LEVEL TWO TECH per hour	\$16	\$16	\$0	None	n/a
LEVEL TWO TECH OT/per HR	\$24	\$24	\$0	None	n/a
<b>Tables/Chairs Set Up-Tear Down Fee</b>					
- Banquet Kirst	\$0	\$0	n/a	None	n/a
- Banquet Crete	\$0	\$0	n/a	None	n/a
- Banquet Thomas	\$0	\$0	n/a	None	n/a
- Banquet Cottage/Pisano	\$0	\$0	n/a	None	n/a
- Lecture Kirst	\$0	\$0	n/a	None	n/a
- Lecture Crete	\$0	\$0	n/a	None	n/a
- Lecture Thomas	\$0	\$0	n/a	None	n/a
- Lecture Cottage/Pisano	\$0	\$0	n/a	None	n/a
Linens (white only/all sizes)	\$0	\$10	\$0	None	n/a
Coffee pot - 100 cup	\$0	\$25	\$0	None	\$100
Coffee pot - 50 cup	\$0	\$15	\$0	None	\$75
Security Guard	<i>prevailing rate + 10%</i>	\$17/per hr	\$25/per hr for OT		
Insurance	<i>prevailing rate</i>				
NOTE: n/a = item NOT available for use off-site					



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Policy Statement for Code Enforcement Program

**MEETING DATE:** March 1, 2006

**PREPARED BY:** Community Improvement Manager

**RECOMMENDED ACTION:** That the City Council adopt the Resolution approving the Policy Statement for the Code Enforcement Program operated through the Community Development Department, Community Improvement Division.

**BACKGROUND INFORMATION:** A presentation regarding current and proposed code enforcement policies, procedures and processes was made to the City Council at the Shirtsleeve Meeting of September 13, 2005. At the conclusion of that presentation, Council members provided comment regarding several code enforcement issues.

From those comments it was discerned that Council desired a consistent policy regarding complainant confidentiality, an emphasis on the prioritization of complaints and the inclusion of some proactive enforcement in those priorities. Staff has subsequently crafted a Policy Statement that clarifies the general policies and procedures for the code enforcement program and provides a strategic framework for the implementation of the Council's goals and objectives.

The Policy Statement is made up of five sections. Section 1 provides a general introduction of the code enforcement activities of the Community Improvement Division. Section 2 identifies the guiding principles that the enforcement program is based upon. Section 3 identifies goals and policies that the City Council has for implementation of a code enforcement program for the community.

It is in Section 4 where the specific issues that were discussed with the City Council at the September 13<sup>th</sup> meeting are addressed, with the identification of the priorities which guide the planning and implementation of the day-to-day operations. While it is the desire of the Community Improvement Division to respond to each and every complaint and referral that is received, it is understood that not all complaints can be given the same level of attention. This Section establishes a community-wide criterion for the prioritization of code enforcement complaints and provides 10 categories that encompass the various issues that code enforcement handles.

At the top of those categories are the most serious of these complaints and issues, those dealing with an imminent threat to public health and safety, followed closely by those acts or conditions which will likely cause irreparable environmental damage. Issues pertaining to substandard housing and dangerous building issues are next in priority, followed by the abatement of inoperable, wrecked and abandoned vehicles from private property.

APPROVED: \_\_\_\_\_  
Blair King, City Manager

Mid-point in this list of priorities is the proactive or focused enforcement projects which will be covered in more detail in Section 5. The last four categories of complaints and issues are those that will get the lower priority in determining our ability to respond. Unpermitted construction; zoning or land-use violations; property maintenance issues; and noise and other nuisance violation issues are the four lowest priority categories. However, before those last four categories is a category or ranking that allows any of those lower priority issues to be elevated if they are having an adverse impact on a larger population or area. This category allows for the differentiation between a zoning or land-use violation at a property where one or two complaints are received and a property where the same violation exists and fifteen to twenty complaints are received.

It is also in Section 4 that the City Council's concerns regarding a standardized policy pertaining to the acceptance of complaints and the confidentiality of the complainant are addressed. It is clarified that anonymous complaints are not accepted except in those instances where the nature of the complaint involves the imminent threat to public health and safety or to the environment and the existence of the violation can be verified through an inspection. The issue of retaliatory complaints is also clarified as the policy is established that complaints will not be accepted from a complainant that currently has an active code enforcement complaint against them or their property. This is intended to encourage voluntary compliance and provide a fair and equitable application of the laws and regulations of this jurisdiction.

Section 5 further identifies the proactive or focused enforcement efforts that will be pursued within the community. One of those efforts involves focused code enforcement activities to address blight and nuisance conditions in a targeted neighborhood or to address an issue that is found city-wide. In identifying these targeted neighborhoods or issues, it is our intent to use the Lodi Improvement Committee.

In these efforts, the Community Improvement Division will seek input from Neighborhood Watch groups, the Lodi Police Department and other agencies or departments regarding issues that they are encountering within an area. This information will then be presented to the Lodi Improvement Committee for their review, so that they can clearly identify the boundaries of the targeted area, identify a desired outcome of the enforcement action, and help establish goals and objectives towards achieving that outcome. This is also where Community Improvement would further utilize the Lodi Police Department Partners Volunteers whenever possible, to conduct visual sweeps of neighborhoods to identify visual blight and to follow up to confirm voluntary compliance.

Overall, this Policy Statement is meant as a way of identifying to the City Council just how code enforcement operates and what the priorities are for the operation of the city. The establishment of this Policy Statement is meant to be dynamic and evolve over time.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not Applicable

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Joseph Wood  
Community Improvement Manager

Concurred: 

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Randy Hatch  
Community Development Director

Attachments

cc: City Attorney  
Community Development Director

## **POLICY STATEMENT FOR CODE ENFORCEMENT PROGRAM**

**Sections 1 – 3**

### Section 1. Introduction

The Community Improvement Division of the Community Development Department is responsible for the interpretation and enforcement of the Housing Code, the Dangerous Building Code, State laws, and the Lodi Municipal Code, as they pertain to substandard and dangerous dwellings and buildings, and blighted or nuisance properties throughout the City of Lodi. This activity has three major elements:

- ◆ **Community Improvement.** The administration and clerical duties which support all activities under the Community Improvement Division. This includes the staff's support and participation with community groups and functions, as well as the development and implementation of an education and information program to educate residents and property owners of the existing property maintenance requirements as well as the minimum housing standards.
- ◆ **Code Enforcement.** The daily function of a city-wide Code Enforcement program is to address issues of substandard housing, zoning violations, and nuisance activities on private property, on both a proactive and reactive/complaint-driven basis, as a means of eliminating blighted and nuisance conditions throughout the City of Lodi.
- ◆ **Abatement.** The abatement of substandard and/or hazardous buildings or properties by way of demolition, repair, board up or clean up. All abatement costs are billed to the property owner and then placed as a lien on the property if not paid.

### Section 2. Principles

The overall strategy of the Community Improvement Division's code enforcement program is based upon the following guiding principles:

- That fair and just code enforcement requires balancing the public good with individual rights.
- That it is the desire of city staff to work with property owners, residents and business owners of the community to achieve cooperative relationships and encourage voluntary compliance.
- That punishment is not an independent objective of code enforcement. Punishment is a means of achieving a higher level of compliance with applicable codes.
- That it is not generally desirable to impose punishment after a violation has been abated, except as a means of obtaining efficient code enforcement.
- That an objective of the enforcement program is to strive to be prompt, consistent, predictable, and firm, while being both courteous and professional.
- That enforcement response and its effectiveness needs to be continually assessed, and new strategies be considered and implemented as warranted.
- That those responsible for creating an additional demand for code enforcement services will be held responsible for the cost of providing those additional services.
- That it is beneficial to establish effective collaborations with other departments, agencies and organizations to aid in the accomplishment of these principles and the goals and objectives of the program.

### Section 3. Goals and Policies

The following goals and policies guide the code enforcement program.

- City Council believes that each resident of Lodi deserves to live in a safe, peaceful and attractive neighborhood.
- City Council recognizes that the maintenance of the city's neighborhoods has an economic value, as well as the value of having residents feel safe and satisfied in their surroundings.
- City Council believes that the goal of code enforcement, in supporting neighborhood safety, peacefulness and attractiveness, is to achieve compliance with all applicable codes and the standards attributed to each code.
- The City, through its existing ordinances has set a specific policy on a number of code-related issues; it is the responsibility of the City Council and the city administration to support compliance with ordinances and/or change them as needed.

## **POLICY STATEMENT FOR CODE ENFORCEMENT PROGRAM**

**Sections 3 – 4**

### Section 3. Goals and Policies (continued)

- City Council believes that tenants, property owners and property managers all have responsibilities and may all be involved in code compliance efforts.
- City Council believes that cost recovery is an important element to the code enforcement program and while it is not reasonable to expect the code enforcement program to be self-supporting, all efforts should be made to recover costs that the City incurs in the course of an abatement action and a comprehensive schedule of fines or penalties should be established.
- City Council believes that individuals must be given their right to due process throughout the course of a code enforcement action.
- The City Council is open to considering creative enforcement and funding alternatives.

### Section 4. Operational Priorities

The City Manager and the Community Development Director have responsibility for determining the specific operational approaches to be used in code enforcement. The following priorities guide the operational planning and day-to-day management of the code enforcement program.

- The Community Improvement Division's priority is to respond to and attempt to resolve all code enforcement complaints. However, due to limited code enforcement resources, there may be times when all code enforcement complaints cannot be given the same level of attention.
- The following community-wide criteria for the prioritization of code enforcement complaints is established, with #1 being the highest priority:
  1. Violations that present an imminent threat to public health and safety;
  2. Violations affecting storm water discharge to rivers or streams or other irreparable environmental damage;
  3. Violations related to substandard housing and dangerous building conditions;
  4. Violations related to inoperable, wrecked, dismantled or abandoned vehicles;
  5. Focused enforcement projects, as described in Section 5;
  6. Any of the following types of violations that are having an adverse impact on a larger population or area;
  7. Violations involving on-going, unpermitted construction.
  8. Violations related to zoning or land use regulations;
  9. Violations related to property maintenance issues;
  10. Violations related to noise regulations and other nuisance activities or conditions.
- In those circumstances that code enforcement complaints have to be prioritized, the most serious violations, as determined under the priorities set forth above, should be addressed before the less serious violations.
- The Community Improvement Division is not to accept anonymous complaints pertaining to code violations, except in those cases where the nature of the complaint involves an imminent threat to public health and safety or to the environment and the existence of the violation can be verified through an inspection. In those exceptions, staff shall have the discretion to accept an anonymous complaint and investigate it to confirm the alleged condition.
- The Community Improvement Division will not accept retaliatory complaints from parties or individuals who have an active complaint or code enforcement action against their property. Retaliatory complaints are unjust and detract the complainant's attention from needing to correct violations upon their property. Once all violations or outstanding issues have been resolved from their property, the Community Improvement Division will accept and act upon their complaint(s) regarding other properties in the priority established above.

- The above prioritization is established because a complaint-driven system has not been entirely effective in achieving code enforcement goals and policies.

**Section 5. Focused Enforcement Efforts**

It is necessary to undertake focused enforcement efforts to identify code violations and obtain compliance. These focused efforts will include the following tasks:

1. The abatement of nuisance and dangerous buildings;
  2. Violations or conditions which affect either an entire neighborhood or area, or the entire city;
  3. Address conditions noted at one property that are clearly visible at surrounding properties;
  4. Stop Work Orders for unpermitted activities;
  5. Provide assistance with related code enforcement actions by other departments and agencies.
- The Lodi Improvement Committee is a mechanism for identifying neighborhoods, areas or issues that are in need of focused enforcement.
  - The Lodi Police Department Partners Volunteers shall be utilized to support Community Development's focused enforcement in targeted areas.

RESOLUTION NO. 2006-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING POLICY STATEMENT FOR CODE  
ENFORCEMENT PROGRAM

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Policy Statement for the Code Enforcement Program operated through the Community Development Department, Community Improvement Division, as attached hereto marked Exhibit A.

Dated: March 1, 2006

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I hereby certify that Resolution No. 2006-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2006-\_\_\_\_\_



## POLICY STATEMENT FOR CODE ENFORCEMENT PROGRAM

### Sections 1 – 3

#### Section 1. Introduction

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- That it is not generally desirable to impose punishment after a violation has been abated, except as a means of obtaining efficient code enforcement.
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- That enforcement response and its effectiveness needs to be continually assessed, and new strategies be considered and implemented as warranted.

- That those responsible for creating an additional demand for code enforcement services will be held responsible for the cost of providing those additional services.
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- The City, through its existing ordinances has set a specific policy on a number of code-related issues; it is the responsibility of the City Council and the city administration to support compliance with ordinances and/or change them as needed.
- City Council believes that tenants, property owners and property managers all have responsibilities and may all be involved in code compliance efforts.
- City Council believes that cost recovery is an important element to the code enforcement program and while it is not reasonable to expect the code enforcement program to be self-supporting, all efforts should be made to recover costs that the City incurs in the course of an abatement action and a comprehensive schedule of fines or penalties should be established.
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  4. Violations related to inoperable, wrecked, dismantled or abandoned vehicles;
  5. Focused enforcement projects, as described in Section 5;
  6. Any of the following types of violations that are having an adverse impact on a larger population or area;
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  8. Violations related to zoning or land use regulations;
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  4. Stop Work Orders for unpermitted activities;
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- The Lodi Improvement Committee is a mechanism for identifying neighborhoods, areas or issues that are in need of focused enforcement.
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## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Ordinance No. 1770 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by Adding Chapter 12.03, 'Sidewalks'"

**MEETING DATE:** March 1, 2006 (Carried over from meeting of 2/15/06)

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1770.

**BACKGROUND INFORMATION:** Ordinance No. 1770 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by Adding Chapter 12.03, 'Sidewalks'" was introduced at the regular City Council meeting of February 1, 2006.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934.***

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937.***

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Susan J. Blackston  
City Clerk

SJB

Attachment

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. 1770

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 12 –  
STREETS, SIDEWALKS, AND PUBLIC PLACES – BY ADDING  
CHAPTER 12.03, “SIDEWALKS”

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 12, “Streets, Sidewalks, and Public Places,” is hereby amended by adding Chapter 12.03, “Sidewalks,” to read as follows:

Chapter 12.03

SIDEWALKS

Sections:

- 12.03.010 – Definitions
- 12.03.020 – Sidewalk Maintenance and Repair
- 12.03.030 – Liability for Injury to the Public
- 12.03.040 – Civil Liability for Injuries and Indemnification
- 12.03.050 – Enforcement of this Chapter

12.03.010 – Definitions.

As used in this Chapter, the terms listed below shall have the meaning assigned them.

“Sidewalk” means that area fronting private or public property within the public right-of-way and intended for pedestrian travel, whether or not such area is improved or paved, and any parkway, driveway, curb, or gutter that was or should have been constructed in conformance with the City’s specifications for such improvements.

“Defective Sidewalk” means a sidewalk where, in the judgment of the Public Works Director or his/her designee, the vertical or horizontal line or grade is altered, damaged, or displaced to an extent that a safety hazard exists or the sidewalk is in such a condition as to endanger persons or property or is in such a condition as to interfere with the public convenience and use of the sidewalk. Defective Sidewalk shall also include any condition of a public pedestrian right-of-way determined by a court of competent jurisdiction to constitute a dangerous condition of public property.

“Property Owner” means any person, partnership, corporation, or other entity, public or private, owning a lot, lots, or portion of a lot within the City of Lodi and fronting on any portion of a public street, alley, or place where sidewalk exists.

“Lot,” “lots,” or “portions of lots” means a parcel of real property located within the City of Lodi, fronting on any portion of a public street, alley, or place where a sidewalk exists.

12.03.020 – Sidewalk Maintenance and Repair.

A. The provisions of Chapter 22 of Part 3, Division 7, Street and Highways Code of the State of California (“The Improvement Act of 1911”), as is now in effect or as may be amended, are expressly referred to and by such reference made a part of this Chapter,

including all proceedings applicable to the maintenance and repair of sidewalks, and the confirming and collecting of assessments for the cost and expenses of said maintenance and repair.

B. The procedure set forth in The Improvement Act of 1911 concerning the maintenance and repair of sidewalks, is, to the extent permitted under State law, subject to revision or supplementation by policies as may from time to time be adopted by resolution of the City Council. Maintenance and repair of sidewalks shall be to specifications established by the Public Works Director or his/her designee.

#### 12.03.030 – Liability for Injury to the Public.

Property Owner is required under this Chapter to maintain and repair the sidewalk fronting on the Property Owner's lot and shall owe a duty to members of the public to keep and maintain the sidewalk in a safe and non-dangerous condition such that it will not endanger persons or property. If, as the result of any failure of any Property Owner to maintain the sidewalk in a safe and non-dangerous condition as required under this Chapter, any person suffers injury or damage to person or property, the Property Owner shall be liable to such person for the resulting damages or injury.

#### 12.03.040 – Enforcement of this Chapter.

The City Manager, through the Public Works Director, shall enforce this Chapter.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect 30 days from and after its passage and approval.

Approved this 1<sup>st</sup> day of March, 2006

\_\_\_\_\_  
SUSAN HITCHCOCK  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1770 was introduced at a regular meeting of the City Council of the City of Lodi held February 1, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1770 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney

By \_\_\_\_\_  
Janice D. Magdich  
Deputy City Attorney





## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Ordinance No. 1771 Entitled, "An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 349, 401, and 415 East Harney Lane (APN 062-290-38, 062-290-37, and 062-290-14) from R-MD, Residential Medium Density, to PD(38), Planned Development Number 38, for the Miller Ranch Development Project, and Further Approving the Associated Development Plan"

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1771.

**BACKGROUND INFORMATION:** Ordinance No. 1771 entitled, "An Uncodified Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 349, 401, and 415 East Harney Lane (APN 062-290-38, 062-290-37, and 062-290-14) from R-MD, Residential Medium Density, to PD(38), Planned Development Number 38, for the Miller Ranch Development Project, and Further Approving the Associated Development Plan" was introduced at the regular City Council meeting of February 15, 2006.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Susan J. Blackston  
City Clerk

SJB

Attachment

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. 1771

AN UNCODIFIED ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND  
THEREBY REZONING 349, 401, AND 415 EAST HARNEY LANE (APN  
062-290-38, 062-290-37, AND 062-290-14) FROM R-MD, RESIDENTIAL  
MEDIUM DENSITY, TO PD(38), PLANNED DEVELOPMENT NUMBER  
38, FOR THE MILLER RANCH DEVELOPMENT PROJECT, AND  
FURTHER APPROVING THE ASSOCIATED DEVELOPMENT PLAN

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WHEREAS, the Planning Commission adopted Resolution No. P.C. 06-04 approving the request of Jeffrey Kirst on behalf of Tokay Development for the Miller Ranch Development Project at its meeting of January 25, 2006; and

WHEREAS, a Mitigated Negative Declaration (ND-05-01) and Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided hereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration and MMRP with respect to the project identified in its Resolution No. P.C. 06-02, and recommended approval at its meeting of January 25, 2006; and

WHEREAS, the Planning Commission of the City of Lodi recommended approval of the request of Jeffrey Kirst on behalf of Tokay Development for the award of 65 medium density Growth Management Allocation units (GM-05-003) subject to conditions set forth in Resolution P.C. 06-04; and

WHEREAS, the Planning Commission of the City of Lodi recommends approval of the request of Jeffrey Kirst on behalf of Tokay Development for a zone change (Z-05-04) from Residential, Multiple-Family to Planned Development and the Associated Development Plan (file Z05-04) to the City Council of the City of Lodi, subject to the following mitigation measures and conditions of approval:

1. All mitigation measures for the project identified in the Mitigation Monitoring and Reporting Program of the Initial Study/Mitigated Negative Declaration (ND-05-01) are hereby incorporated into this recommendation of approval:

Mitigation Measure GEO-1: Prior to the issuance of a grading permit, a Geotechnical Investigation shall be prepared for the project site. The project applicant shall incorporate any grading and site preparations as recommended in the Preliminary Geotechnical Investigation.

Mitigation Measure HYD-1: As a condition of approval of the final grading and drainage plans for the project, the Public Works department shall verify that the Master Utility Plan for the site will comply with the City's storm water requirements.

Mitigation Measure HYD-2: Prior to the approval of the final grading and drainage plans, the project engineer shall provide a hydraulic analysis to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City's storm water requirements.

Mitigation Measure HYD-3: The project shall include landscape areas, as shown, titled "Revised 2005 Development Plan" prepared by Baumbach & Piazza, Inc., dated May 2005 to allow for groundwater recharge.

Mitigation Measure HYD-4: As a part of the compliance with National Pollutant Discharge Elimination System (NPDES) requirements, a Notice of Intent (NOI) and associated fees would need to be submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) providing notification and intent to comply with the General Permit to Discharge Storm Water Associated with Construction Activity for this project (copies of the NOI and fee payment shall be provided to the City). Prior to construction and site grading, a Storm Water Pollution Prevention Plan (SWPPP) is required for construction activities and remediation on-site. The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the implementation and operation of the propose project. The project proponent shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

Mitigation Measure AIR-1: The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

1. Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
2. Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions;
3. Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;
4. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use to 7:00 a.m. to 7:00 p.m.; and
5. Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak hour of vehicular traffic on adjacent roadways.

Mitigation Measure AIR-2: Consistent with Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

1. All disturbed areas, including storage piles, which are not being used on a daily basis for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
4. During the demolition of existing buildings, all exterior surfaces of the building shall be wetted during demolition.
5. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.
6. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
7. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.
8. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
9. Site with 150 or more vehicle trips per day shall prevent carryout and trackout. Prevention measures include requiring all trucks to drive over a bed of gravel to rid the tires of dirt and mud prior to exiting the site.

Mitigation Measure TRAF-1: To mitigate its share of traffic impacts on City streets, the project applicant/developer shall be subject to traffic impact fees assessed by the City of Lodi.

Mitigation Measure TRAF-2: To mitigate its share of impacts on SR-99, the project applicant/developer shall be subject to fees on a "Fair Share" basis as stipulated in the soon-to-be-adopted regional traffic impact fees established by the San Joaquin County Council of Governments.

Mitigation Measure BIO-1: Consistent with the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), a SJMSCP biological survey must be completed and the appropriate fees shall be paid prior to receiving building permits.

Mitigation Measure HAZ-1: To ensure that the project does not interfere with emergency evacuation plans, grading and building plans shall be subject to review and approval by the Fire Department.

Mitigation Measure NOI-1: To minimize temporary construction noise impacts on surrounding residences, construction hours shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.

Mitigation Measure NOI-2: To minimize long-term noise impacts on future residents, a sound attenuation study shall be submitted for review and approval by the Planning Division. Said study shall provide measure to reduce the potential outdoor noise to a level acceptable for residential units (below 60db) as stipulated in the Noise Element of the General Plan. Measures may include sound attenuation walls, increased insulation and insulated windows.

Mitigation Measure PUB-1: The project applicant/developer shall be subject to development impact fees for fire and police services established by the City of Lodi.

Mitigation Measure PUB-2: The project applicant/developer shall be subject to school impact fees established by Lodi Unified School District.

Mitigation Measure AES-1: Plans submitted for building permits shall show architectural enhancements for street side elevations of units 41-63. Architectural enhancements shall be similar to that provided on the front elevations of said units including, but not limited to, decorative iron work, window banding, shutters, and varying roof-lines. Said plans shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-2: Plans submitted for the masonry wall along Harney Lane (whether or not a sound wall is required) shall include decorative treatments such as cap stones and columns. Additionally, clinging vines (on three-foot centers) and other landscaping shall be planted against to wall. Design of the wall shall be subject to the review and approval of the Community Development Director.

Mitigation Measure AES-3: Outdoor lighting associated with the proposed development shall be designed and located to minimize ambient light levels for any given application, consistent with public safety standards. Lighting shall be placed in areas of pedestrian activity and at residential entrances, and shall be minimized elsewhere. Ornamental, pedestrian scale lighting fixtures shall be utilized when possible. Lighting fixtures shall be shielded and directed downward to minimize glare on neighboring properties.

Mitigation Measure CULT-1: If deposits of prehistoric or historical archaeological materials are encountered during project construction activities, all work within 50 feet of the discovery shall be stopped and a qualified archaeologist shall be contracted to evaluate the discoveries and make recommendations regarding their potential significance and extent throughout the site. If such deposits cannot be avoided, they shall be evaluated for their California and National Register eligibility. If the deposits are not eligible, additional mitigation is not necessary. If the deposits are eligible, they shall be avoided or adverse project effects shall be mitigated. Upon completion of the archaeologist's evaluation, a report shall be prepared documenting the methods and results of the research, and recommendations for additional mitigation. In accordance with the City's General Plan Urban Design and Cultural Resources Element, the City shall consult the California Archeological Inventory, Central California Information Center, at Stanislaus State University, for recommended mitigation measures.

2. Prior to the development of the Miller Ranch Development project, the applicant/developer shall file for a tentative subdivision map. Review and approval of

the tentative subdivision map is a discretionary action and additional conditions of approval may be placed on the project at that time.

3. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project.
4. Prior to submittal of building permits, the applicant shall submit construction elevations, perspective elevations, precise landscape and irrigation plans, as well as building materials for the review and approval of the Community Development Director. Said plans shall indicate that all corner lots shall have architectural treatments on both street facing elevations.
5. Prior to submittal of building permits, the applicant shall submit a walls and fencing plan. Said plan shall show all proposed walls and fencing. Fencing visible to the public right of way shall be constructed of treated wood or alternative material to prevent premature deterioration. Furthermore, all fencing within the project site shall be designed with steel posts, or a functional equivalent, to prevent premature deterioration and collapse.
6. The proposed public lanes shall incorporate stamped concrete, pavers, or an equivalent subject to approval by the Public Works Department and Community Development Department.
7. The proposed project shall be subject to the San Joaquin County Air Pollution Control District Rules.
8. The proposed project should incorporate as many energy conserving and emission reducing features as possible, as outlined in correspondence from San Joaquin County Air Pollution Control District, dated January 13, 2006, and kept on file in the Community Development Department.
9. Prior to submittal of any further plan check or within 90 days of the approval of this project, whichever occurs first, the applicant shall sign a notarized affidavit stating that "I(we), \_\_\_\_\_, the owner(s) or the owner's representative have read, understand, and agree to the conditions approving GM 05-003." Immediately following this statement will appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the City Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.

10. As shown on the development plan, submitted by Baumbach and Piazza and dated May 2005, and as further described in correspondence from the project applicant, the proposed development shall be subject to the development criteria described in the following table:

Standard	Proposed Project
Minimum lot size	2,625 sq.ft.
Minimum lot width	50 feet
Building Height	2 stories not to exceed 35 feet
Front Setback	7 feet and 6 inches to 12 feet
Side Setback	4 feet
Street side setback	4 feet
Rear Setback	8 feet
Parking Spaces	2 covered spaces per unit
Lot Coverage	50%

11. Subsequent staff review of above required plans, elevations, fencing, walks, public lane surfaces, etc., shall require payment of fees at the hourly rate of City staff conducting said review.
12. The applicant shall reimburse the City for the full cost of outside planning consultant fees payable by the City for work performed for review analysis and preparation of reports on behalf of the project.

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Lodi City Council hereby approves the Mitigated Negative Declaration (ND-05-01) and the Mitigation Monitoring and Reporting Program (MMRP) as identified in Planning Commission Resolution No. P.C. 06-02.

Section 2. The City Council hereby approves the request of Jeffrey Kirst on behalf of Tokay Development for the award of 65 Medium Density Growth Management Allocation Units (GM-05-003) subject to the conditions set forth in Planning Commission Resolution No. P.C. 06-02.

Section 3. The Lodi City Council hereby approves the request of Jeffrey Kirst on behalf of Tokay Development for a zone change (Z-05-04) from Residential, Multiple-Family to Planned Development and the Associated Development Plan (Z-05-04) subject to the mitigation measures and conditions set forth above as numbers 1 through 12, inclusive.

Section 4. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows, subject to the mitigation measures and conditions set forth above as numbers 1 through 12, inclusive:

7.92 acres located at 349, 401, and 415 East Harney Lane (APN 062-290-38, 37, and 14) are hereby rezoned from R-MD, Residential Medium Density, to PD(38), Planned Development Number 38, as shown on Exhibit "A" attached hereto.

Section 5. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 7. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

Section 8. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 9. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 1<sup>st</sup> day of March, 2006.

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SUSAN HITCHCOCK  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk



State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1771 was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1771 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

JANICE D. MAGDICH  
Deputy City Attorney

[illegible]



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Ordinance No. 1773 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, 'General Regulations and Exceptions,' by Repealing and Reenacting in its Entirety Section 17.57.180, 'Refuse Container Storage and Collection Areas'"

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1773.

**BACKGROUND INFORMATION:** Ordinance No. 1773 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, 'General Regulations and Exceptions,' by Repealing and Reenacting in its Entirety Section 17.57.180, 'Refuse Container Storage and Collection Areas'" was introduced at the regular City Council meeting of February 15, 2006.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

Susan J. Blackston  
City Clerk

SJB/JMP  
Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. 1773

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING LODI MUNICIPAL CODE TITLE 17 – ZONING –  
CHAPTER 17.57, “GENERAL REGULATIONS AND EXCEPTIONS,”  
BY REPEALING AND REENACTING IN ITS ENTIRETY  
SECTION 17.57.180, “REFUSE CONTAINER STORAGE AND  
COLLECTION AREAS”

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, “General Regulations and Exceptions,” Section 17.57.180, “Refuse Container Storage and Collection Areas,” is hereby repealed and reenacted in its entirety and shall read as follows:

The following regulations shall apply to the garbage, refuse, and recycling facilities on residential and commercial properties. Placement of such facilities within the public right-of-way is governed by Chapter 12.04 and Chapter 17.57.180 of this code.

- A. Roll-away and Portable Containers. All roll-away and other portable containers must be kept out of view from the public right-of-ways, excluding alleys, and may not be stored within the front yard setback.
- B. Dumpster Bins. All dumpster bin storage and refuse collection areas shall be screened from public view by a concrete block or masonry wall or in such a manner so that it is not visible from abutting public right-of-ways, excluding alleys. All storage and collection areas and enclosures shall be maintained in a sanitary condition and walls, roof coverings and doors to enclosures must be maintained in good condition and must be in working order.
- C. Exceptions. The following exceptions pertain to both commercial and residential garbage, refuse, and recycling facilities:
  - 1. Garbage, refuse, and recycling storage containers can be placed out for collection, from 5 p.m. the day before garbage collection to 8 p.m. the day of garbage collection, in accordance with the requirements of the garbage collector. Residential customers shall place their containers within the frontage of their own property unless otherwise approved by the Public Works Director.
  - 2. Rented containers and dumpster bins can be placed in public view on private property for the duration of the special project, remodeling, or construction project, or special event for which they are being used, but must be maintained in a sanitary condition and removed when filled to prevent overflow and blight.

- D. Violation. Any violation of this section shall be deemed an infraction and shall be subject to all terms and conditions of Lodi Municipal Code Title 1, "General Provisions," Chapter 1.08, "General Penalty."

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 1<sup>st</sup> day of March, 2006

Attest:

\_\_\_\_\_  
SUSAN J. BLACKSTON  
City Clerk

\_\_\_\_\_  
SUSAN HITCHCOCK  
Mayor

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1773 was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 2006, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1773 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Ordinance No. 1774 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, 'Solid Waste,' by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers"

**MEETING DATE:** March 1, 2006

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1774.

**BACKGROUND INFORMATION:** Ordinance No. 1774 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, 'Solid Waste,' by Repealing and Reenacting Section 13.16.050 (A) Relating to Placement of Garbage Containers" was introduced at the regular City Council meeting of February 15, 2006.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

Susan J. Blackston  
City Clerk

SJB/JMP  
Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. 1774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI  
MUNICIPAL CODE TITLE 13 – PUBLIC SERVICES – CHAPTER 13.16, “SOLID  
WASTE,” BY REPEALING AND REENACTING SECTION 13.16.050 (A) RELATING  
TO PLACEMENT OF GARBAGE CONTAINERS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, “Solid Waste,” is hereby amended by repealing and reenacting Section 13.16.050(A) relating to placement of garbage containers and shall read as follows:

- A. Residential. Residential customers utilizing refuse carts shall place containers at the curb or other areas as approved by the Public Works Director. All containers must be placed in a location readily accessible to the contractor, free of obstacles. Containers shall be maintained in accordance with Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, “General Regulations and Exceptions,” Section 17.57.180, “Refuse Container Storage and Collection Areas.” Failure to meet any of these conditions shall constitute cause for the contractor’s refusal to perform collection services. The contractor shall, after collection, return containers/carts to the location from which they were collected.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 1<sup>st</sup> day of March, 2006.

Attest:

SUSAN J. BLACKSTON  
City Clerk

\_\_\_\_\_  
SUSAN HITCHCOCK  
Mayor

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1774 was introduced at a regular meeting of the City Council of the City of Lodi held February 15, 2006, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 1, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1774 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
City Attorney